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COMMITTEE MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
SPECIAL WASTE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
COASTAL HEARING ROOM  
SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 10, 2006  
10:00 A.M.

TIFFANY C. KRAFT, CSR, RPR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Margo Reid Brown, Chair

Ms. Rosalie Mul

Mr. Gary Petersen

BOARD MEMBER ALSO PRESENT

Mr. Jeffrey Danzinger

Ms. Cheryl Peace

Ms. Patricia Wiggins

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Holly ARMSTRONG, Staff Counsel

Mr. Elliot Block, Staff Counsel

Ms. Lillian Conroe, Supervisor

Ms. Bonnie Cornwall, Acting Branch Manager

Mr. Mitch Delmage, Manager, Waste Tire Management

Ms. Linda Dickinson, Staff

Mr. Tom Estes, Deputy Director

Ms. Sally French, Staff

Mr. Bob Fujii, Supervisor, Remediation & Engineering  
Technical Services Section

Mr. Nate Gauff, Staff

Ms. Jennine Harris, Executive Assistant

APPEARANCES CONTINUED

STAFF

Mr. Jim Lee, Deputy Director

Ms. Diane Nordstrom, Staff

ALSO PRESENT

Mr. Alan Abbs, Tehama County Sanitary Landfill

Ms. Wendy Breckon, Staff Counsel

Mr. Darrell Hawkins, Air Resources Board

Ms. Catheryn Hybrecks, San Francisco State

Mr. Steve Launey, Cal Expo

Mr. Terry Leveille, TL & Associates

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Thank you. Good morning.

3 I'd like to call this meeting to order. And if we could  
4 call roll.

5 SECRETARY HARRIS: Mulé?

6 COMMITTEE MEMBER MULÉ: Here.

7 SECRETARY HARRIS: Petersen?

8 COMMITTEE MEMBER PETERSEN: Here.

9 SECRETARY HARRIS: Chair Brown?

10 CHAIRPERSON BROWN: Here.

11 Thank you.

12 Does anybody have any ex partes?

13 COMMITTEE MEMBER MULÉ: I'm up to date, Madam  
14 Chair.

15 COMMITTEE MEMBER PETERSEN: I'm up to date.

16 CHAIRPERSON BROWN: I'm currently up to date.

17 We'd like to remind anybody in the audience to  
18 please turn your cell phones to the vibrate mode. If you  
19 intend to speak at the microphone, we'd like to request  
20 that you turn your PDA devices completely off. If there  
21 is anybody who wishes to speak on any agenda item, please,  
22 the forms are in the back along with the agendas for  
23 today's meeting.

24 I'd like to recognize Member Cheryl Peace who's  
25 joining us for the meeting. Thank you, Cheryl.

1           And we'll move directly to the first item on the  
2 agenda is public comment. Do we have anybody in the  
3 audience?

4           Please state your name, Mr. Leveille, for the  
5 record.

6           MR. LEVEILLE: Thank you, Committee Chair Brown  
7 and Committee members and Member Peace. I'm Terry  
8 Leveille of TL & Associates. And I come here today  
9 representing a variety of tire-derived product  
10 manufacturers.

11           This last April, the Prison Industry Board had a  
12 Committee of two that voted an interest in the Chuckwalla  
13 Valley State Prison near Blythe, which is on the  
14 Arizona/California border, to implement a program to  
15 purchase equipment and start making tire-derived products  
16 in the prison.

17           The tire-derived product is about two-thirds of  
18 the tire-derived product would be playground mats. The  
19 other third would be vegetation suppression mats that  
20 Caltrans would purchase and similar types of highway  
21 safety items that Caltrans would purchase.

22           The two members of the Committee did not take a  
23 formal vote but showed extreme interest in this project,  
24 even though there were several opponents testifying at the  
25 hearing. On June 12th, the full Board -- the full

1 eleven-member Board will be meeting to make a final  
2 decision on that project. And shortly thereafter, the  
3 Executive Officer said they will put out an RFP for the  
4 type of equipment and the other incidentals that would be  
5 needed for that project.

6           A number of tire-derived product manufacturers in  
7 California are very concerned about this. For one, they  
8 think there may be some prior interest in looking at a  
9 turnkey product, a turnkey approach by Welch Products of  
10 Iowa which combines the selling of equipment, the selling  
11 of their proprietary resin, and the use of marketing  
12 people and other types of people that would come out to  
13 the prison and assist them in developing their product.  
14 Apparently, they've done this in a number of other states,  
15 and it's directly focused on State prison type projects  
16 like this.

17           Now, according to the Executive Officer, PIB has  
18 not yet been -- is not final, and they are indeed going  
19 out for an RFP. We haven't seen what the scope of work is  
20 on that RFP and doubtful if we will. But the concern is  
21 on a number of cases. One is you've got a business  
22 assistance program, grant program, that is trying to  
23 develop companies that will be able to compete in this  
24 market. You've got a very shaky market itself for  
25 tire-derived products, one that I think is growing, but



1 one that is yet to blossom. You've got potentially very  
2 low labor costs in a prison situation that could provide  
3 some severe competition for these burgeoning businesses.

4           We have concerns that if indeed the State Prison  
5 goes with the Welch Product, it's called the cold cure  
6 process, which none of the companies in California use.  
7 And I'm not a technical person, but the ones I've talked  
8 to have said this is a process that doesn't seem to last  
9 as long, that crumbles in a shorter time frame than the  
10 more hot molded cured process that the California tire  
11 product producers use.

12           And you've got distances. You're talking about  
13 Blythe, which is a couple hundred miles east of  
14 Los Angeles. You're talking transportation costs that are  
15 going to be significant. And these issues were raised at  
16 the hearing. But the two Committee members or the two  
17 Board members that attended didn't seem to be persuaded,  
18 and I got the feeling it was pretty much of a done deal.

19           Now, at that point, I hadn't heard any indication  
20 that the Waste Board had informally or formally taken any  
21 position on this particular issue. But I would think it  
22 would be imperative that if you want to preserve, as I  
23 say, the burgeoning tire products industry in California  
24 that the Board should at least convey their concerns about  
25 this to the Prison Industry Board. Thank you.

1 COMMITTEE MEMBER PETERSEN: Terry, couple  
2 questions.

3 First of all in my brain here is the fact that  
4 this is the State competing against the private sector  
5 here in an industry that's just trying to get off the  
6 ground. And we're trying to find the uses for all these  
7 different kinds of materials. And in an inferior product;  
8 is that correct?

9 MR. LEVEILLE: Well, as I say, the Executive  
10 Officer says it will be going out to bid for the  
11 equipment. This is you know --

12 COMMITTEE MEMBER PETERSEN: But it's a competing  
13 process against the private sector.

14 MR. LEVEILLE: The cold cure process is not  
15 considered a good product.

16 COMMITTEE MEMBER PETERSEN: Then you still have  
17 us, the State, competing with companies, entrepreneurs,  
18 trying to make this all work in the marketplace under a  
19 level playing field.

20 MR. LEVEILLE: The key issue for PIA is to make  
21 money and to train inmates for jobs once they get out of  
22 prison. Now, all of you that know the Tire Program know  
23 that there aren't a lot of jobs out there for an industry  
24 such as a tire mold product industry that uses very few  
25 people to begin with. So that part of the argument is

1 somewhat specious.

2           The fact is they do need to make money. They  
3 need to make a profit. They're not a general funded  
4 authority which gives me pause for concern with the rest  
5 of the industry that we're going to be -- the rest of the  
6 industry is going to be undercut by these products. And  
7 their focus on playground mats is one of the ones that you  
8 can see more and more companies are trying to get into.

9           COMMITTEE MEMBER PETERSEN: Thank you.

10           Madam Chair, I do -- is there a process we go  
11 through that we can address this with the Prison Industry  
12 based on what we do with tires? And we're trying to  
13 develop the marketplace, and this is like a side bar. Is  
14 there something we can do?

15           CHAIRPERSON BROWN: Mark, do you want to comment  
16 on it?

17           EXECUTIVE DIRECTOR LEARY: Well, I think first of  
18 all maybe together with Elliot I need to caution the  
19 Committee this isn't agendized, so we can't really have a  
20 substantive discussion on the matter.

21           CHAIRPERSON BROWN: Today. But if we wanted to  
22 do something to investigate what our options are --

23           EXECUTIVE DIRECTOR LEARY: Maybe we as staff can  
24 provide a summary of information that we currently are  
25 aware of in regards to this subject to the Board and seek

1 the Board's direction, whether that be the preparation of  
2 an agenda item for a Committee next month or Board next  
3 month.

4 CHAIRPERSON BROWN: Well, I think we probably --  
5 if the Prison Industry Board is meeting June 11th, that's  
6 prior to next month's Board meeting.

7 EXECUTIVE DIRECTOR LEARY: But after Committee,  
8 possibly -- I'm struggling here.

9 If the Board were to choose to weigh in as an  
10 organization, you'd have to have a collective vote of the  
11 Board. Or maybe the Board could choose or the Chair or  
12 individual members could weigh in as they feel appropriate  
13 and speak individually to the issue with the Prison  
14 Industry Board rather than the Board collectively as an  
15 organization.

16 But we can compile the information we are aware  
17 of in regards to this matter and provide it to the members  
18 in a fairly short time frame.

19 CHAIRPERSON BROWN: And there are some ancillary  
20 positives in that maybe Caltrans would be more willing to  
21 look at TDA products if this state was actually producing  
22 them, but we don't want to create --

23 EXECUTIVE DIRECTOR LEARY: It begs --

24 CHAIRPERSON BROWN: -- an unfair marketplace for  
25 our own markets for these products.

1 EXECUTIVE DIRECTOR LEARY: My own perspective is  
2 it begs for a fairly comprehensive evaluation that I'm not  
3 sure we're well positioned to provide. Speaks to the  
4 value of the Prison Industries. It speaks to what the  
5 status of the marketplace is out there, who the strong  
6 players are, who the weak players are, the level of  
7 competition. I don't know that we're in a good position  
8 to provide that to you currently. We can provide what we  
9 know.

10 CHAIRPERSON BROWN: Maybe it would be a value to  
11 the members who individually want to weigh in on this to  
12 have a meeting pulled together between now and the end of  
13 May with staff and our Business Assistance Division and  
14 pull in some stakeholders who do have the information that  
15 we're lacking to have a more substantive discussion. Is  
16 that possible?

17 EXECUTIVE DIRECTOR LEARY: We can certainly pull  
18 a meeting like that together and see what we get.

19 COMMITTEE MEMBER PETERSEN: We have a gentleman  
20 that might be able to shed some light on this. Thank you.

21 CHAIRPERSON BROWN: Do we have any further public  
22 comment?

23 DEPUTY DIRECTOR LEE: Madam Chair, if I may to  
24 supplement Mr. Leary's comment on this. The Board did  
25 basically take a position relative to, you know, Board

1 support of a PIA project the last year as part of the May  
2 reallocation process. Indeed, at that time, staff was  
3 supportive of the relationship with PIA, but there was  
4 again discussion by the Board, determination by the Board.  
5 There was input that was received from the stakeholders  
6 and the Board, you know, subsequently elected not to get  
7 involved with PIA.

8           So, again, we are on the record with regards  
9 to -- the Board is on the record with regards to the  
10 impacts they feel that that type of relationship would  
11 have on the market. So, you know, we haven't chosen to  
12 speak at these PIA hearings. We did feel that was kind of  
13 the purview of the PIA to be involved, especially given  
14 the Board had already registered a position on the matter.

15           That said, we certainly can, you know, look at  
16 this further, if that's the Board's desire.

17           CHAIRPERSON BROWN: I think maybe it's just to  
18 reiterate the Board position. But we'll have a further  
19 discussion.

20           MR. BLUMENTHAL: Thank you, Madam Chair. My name  
21 is Michael Blumenthal. I represent the Rubber  
22 Manufacturers Association, the trade group that represents  
23 the U.S. based tire manufacturers.

24           I was just going to say what Mr. Lee had just  
25 said, in that last year this same item was raised to the

1 Board. The Board opted not to. I think it's important to  
2 reiterate why the Board decided not to support this, and  
3 it was because it would create what they felt was unfair  
4 competition to an industry that the Waste Board has been  
5 funding through the grant programs of this organization.  
6 You've been given grants to private companies here in  
7 California to process tires, to make products, to do  
8 seminars, to give money to a State agency that would  
9 basically have virtually free labor, would create an  
10 unfair competition that would severely damage the  
11 likelihood of success for the private sector that you have  
12 been trying to fund and get up and running.

13 One of the major concerns we have is that if the  
14 Prison Industries decided this wasn't going to work or  
15 didn't work, they could simply pull out and go try  
16 something else.

17 In the meantime, if they would move forward, my  
18 belief is that they would do great damage to the industry  
19 that you have here, which they may not have been able to  
20 recuperate from. You might even be further back in the  
21 development of a sustainable market for higher value added  
22 products.

23 As far as Welch industry is concerned, Welch  
24 industry this week received a grant from the State of Iowa  
25 to continue on with some of their product development in

1 the state of Iowa. So they certainly are working with  
2 other states, and I thought that might be of interest to  
3 the Board as well.

4 COMMITTEE MEMBER PETERSEN: Michael, is the  
5 products they're producing in those other states like  
6 Terry was talking about, not of the quality we're doing  
7 here in the state of California?

8 MR. BLUMENTHAL: I can't answer that question.  
9 Welch Products has been around for a while . They have a  
10 series of products out there. I can't really say if  
11 they're better or worse than any other product.

12 So from our perspective, obviously if PIA is  
13 going to move forward on this on their own, there's  
14 nothing anyone can do about that. But our recommendation  
15 would be if they came to this body looking for funds, the  
16 answer should be no, and that the investment should remain  
17 in the private sector where you have the longer history.

18 Item number two is I want to speak in support of  
19 the project to do the satellite imagery and finding piles  
20 of tires. You can't abate piles if you don't know where  
21 they are. This is a pretty big state.

22 CHAIRPERSON BROWN: This is actually -- I don't  
23 mean to be rude. But if this is an agenda item, we'd like  
24 you to hold your comment on a specific agenda item until  
25 we've taken that up.



1 MR. BLUMENTHAL: Can I talk about the budget or  
2 does that have to wait too?

3 CHAIRPERSON BROWN: This is public comment, but  
4 if you're talking to a specific agenda item, I'd like you  
5 to wait.

6 MR. BLUMENTHAL: Then I'll wait for the rest of  
7 the comments.

8 CHAIRPERSON BROWN: Thank you, Mr. Blumenthal. I  
9 appreciate your comments.

10 I do want to recognize Members Danzinger and  
11 Wiggins who have joined us. And then briefly before going  
12 to our Deputy Director's Report, we'd like to especially  
13 recognize Mitch. Happy birthday. I'm sorry, but the  
14 secret is there are no secrets. But I'm not going to  
15 sing, so that's your present.

16 Any questions or comments from the Board before  
17 we move to the Deputy Director's Report?

18 BOARD MEMBER DANZINGER: I had just a quick  
19 question. I apologize if it's a redundant one related to  
20 this issue. Is there a requirement on Caltrans to buy  
21 from a State agency before buying from a private sector  
22 company that is relevant to this issue?

23 CHAIRPERSON BROWN: That is a likely development  
24 I understand, or it's possible.

25 BOARD MEMBER DANZINGER: I know it's like with

1 furniture it's true. But is it relevant to this  
2 particular product or these types of products or you know  
3 this segment of --

4 CHAIRPERSON BROWN: Is that something you want to  
5 comment on, Elliot, or do you know?

6 BOARD MEMBER DANZINGER: I'm just curious,  
7 because we would go to the heart of the private sector  
8 development of this market.

9 STAFF COUNSEL BLOCK: I'm not aware one way or  
10 the other. We'd have to look in that and get back to you.

11 MR. LEVEILLE: I can short circuit that, but  
12 Elliot will have the section. Yes, there is. As far as  
13 the State agency is concerned, they have to go to PIA  
14 before they can go outside.

15 BOARD MEMBER DANZINGER: For anything.

16 MR. LEVEILLE: For anything that PIA makes, they  
17 have to check with them first. Now, that being said, the  
18 executive officer of the PIB, the Prison Industry Board,  
19 said we plan to open up the Caltrans market. The private  
20 sector hasn't been able to get any kind of activity going  
21 with Caltrans. And since they will be required to buy  
22 certain things, if they're looking at mats, weed abatement  
23 mats, we're going to open that market up for the private  
24 sector because we won't be able to produce as much as  
25 Caltrans will need.

1 BOARD MEMBER DANZINGER: When did he say that?

2 MR. LEVEILLE: The other day when I met with them  
3 at the Prison Industry Committee meeting. But it  
4 definitely is a case.

5 Our concern was less about that, to be honest  
6 with you, than the mats -- the playground mats which local  
7 governments don't have to buy from PIA first. That goes  
8 out. Local governments don't. State agencies do.

9 BOARD MEMBER DANZINGER: Okay. Thanks, Terry.

10 CHAIRPERSON BROWN: Thank you, Terry.

11 Mr. Lee, Deputy Director's Report.

12 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

13 Good morning, Board members. My name is Jim Lee, Deputy  
14 Director of the Special Waste Division.

15 I've got a couple items in my Deputy Director's  
16 Report this morning. I'd like to update you on some  
17 coming and goings in the Tire and Used Oil Program.

18 First of all, we held our annual Used Oil  
19 Conference last week. They were very well received, and  
20 we had excellent participation. I particularly want to  
21 thank the Board Chair for her help and support with the  
22 award ceremony. But again, I think, Madam Chair, you had  
23 the opportunity to kind of see the Used Oil Program at its  
24 best and meet with a lot of our stakeholders and to see  
25 the level of dedication and enthusiasm that I think is

1 characteristic of that particular group. And I think you  
2 also got a chance to see the dedication of our staff, at  
3 least one of them in particular, Mr. Spencer Fine. His  
4 exploits are now the stuff of legends with his ride on his  
5 bicycle from Sacramento to South Lake -- North Lake Tahoe.  
6 So anyway, hope you enjoyed yourself, and we certainly  
7 enjoyed having you.

8           On another front, again in Tracy we moved the  
9 last load of contaminated soil from that project last  
10 week. Again, we were ably assisted in the media event by  
11 Board Member Peace. Want to thank her for her  
12 participation and support. I understand she enjoyed  
13 herself and got a chance to understand how heavy equipment  
14 is utilized. So like I said, we will point out we got the  
15 contaminated soil taken care of. There's still a  
16 groundwater issue we're still analyzing. But that  
17 certainly was a significant accomplishment.

18           One other note, last week, staff member Bonnie  
19 Cornwall and Nate Gauff joined Board Member Rosalie Mul  
20 to make presentations at the SWANA Western Regional  
21 Symposium. Ms. Cornwall's presentation was on the Board's  
22 Universal Waste Action Plan, and Mr. Gauff spoke about  
23 RAC. Both presentations, as I understand it, were very  
24 well received. Indeed, we received a number of questions  
25 regarding the Take It Back Partnership, which staff is

1 working with the DTSC to implement and hopefully show a  
2 viable alternative to advanced disposal fee types of  
3 considerations for handling universal waste. So those  
4 were some of the comings and goings in the program in the  
5 last couple of weeks.

6           One other note, last month there were some  
7 questions that came up by the Board members with regards  
8 to the major tire facility permit consideration for Tri-C.  
9 Specifically, there were some questions about the  
10 applicability of tire regulations relative to the common  
11 carrier issue. I've prepared -- staff has prepared a memo  
12 for the Board on this particular issue, and it's available  
13 to the public in the back. It's something we're  
14 continuing to investigate our expectations as we'd be  
15 coming back to the Board probably in the fall after we've  
16 had a chance to meet with various stakeholder groups and  
17 make sure we understand the full ramifications of this  
18 issue, so we will report back to you on the matter.

19           Madam Chair, unless there's any additional  
20 questions, I'm prepared to move on to this morning's  
21 agenda.

22           CHAIRPERSON BROWN: Thank you, Jim. And the Used  
23 Oil Conference was wonderful. Thank you very much. It  
24 was insightful, the issues and to see the commitment of  
25 the people from around the state that attend and run the

1 HHW facilities.

2 And thank you, Cheryl. I heard you got to drive  
3 a tractor.

4 BOARD MEMBER PEACE: I got to control an  
5 excavator and even got to dig up a big scoop of dirt. And  
6 he said, "Boy, you're pretty good at this. You're a  
7 natural. You could get a job doing this." I said, "That  
8 would be great, because I'm going to need one in a few  
9 months."

10 CHAIRPERSON BROWN: Thank you.

11 We'll move to Agenda Item B.

12 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

13 Committee Item B, Board Item 1, is Consideration  
14 of Approval of Scope of Work for Developing Model  
15 Infrastructure Guidance Manual for the Used Oil Household  
16 Hazardous Waste Programs. This item is to implement Board  
17 direction on a contract concept included as part of our  
18 used oil allocation item approved by the Board in January.  
19 Development of this model infrastructure manual will  
20 support local jurisdiction's efforts to provide for  
21 facilities for used oil and other household hazardous  
22 waste collection recycling.

23 With that overview, I'll now ask Stephen Binning  
24 to make the remainder of the staff presentation.

25 (Thereupon an overhead presentation was

1           presented as follows.)

2           MR. BINNING: Good morning. The goals of the  
3 scope of works. We're looking for three model plans for  
4 local agencies to utilize when they want to construct a  
5 facility: A small one, a medium one, and kind of a larger  
6 plan. You know, we want to be able to kind of lower the  
7 grant funds and the funds for local government when  
8 they're constructing and designing these specialized  
9 facilities. Want to be able to look at, you know, over a  
10 decades's worth of building these facilities statewide to  
11 see what's working and what's not efficient, what's a good  
12 idea and try to share those for the new facilities too.  
13 We're going to look at about 30 of them, at least 30.  
14 We'll just say that.

15                               --o0o--

16           MR. BINNING: You know, this is a stakeholder  
17 request for just a helping hand in constructing,  
18 designing, getting these facilities up and going. Again,  
19 currently, these local governments have to design and  
20 construct these facilities from scratch with zero input.  
21 You know, they are specialized. I come from DTSC working  
22 in hazardous waste management statewide compliance, and  
23 you know, there's a lot of specialty items that are  
24 required here. It might be overwhelming.

25           We also want to design -- avoid some of the

1 pitfalls that could happen with designing these things.  
2 That's why compendium and survey of the other facilities,  
3 and really encourage local government to construct these  
4 facilities.

5 --o0o--

6 MR. BINNING: Again, survey, look for lessons  
7 learned, not from just the design, but all the way through  
8 the construction phase. Want to list all the steps. Get  
9 it all in order. Give them a time line, an estimated time  
10 line. And cost estimates, try to avoid some of the  
11 overruns and other things. And there will be some room  
12 for flexibility for individual local government's needs  
13 too.

14 --o0o--

15 MR. BINNING: Finally request of Board approval  
16 for the proposed scope of work for contract not to exceed  
17 \$90,000, delegate authority to Executive Director to  
18 finalize contract, and finally adopt Resolution Number  
19 2006-55.

20 CHAIRPERSON BROWN: Thank you.

21 Any questions from Board members?

22 Gary.

23 COMMITTEE MEMBER PETERSEN: Couple of things.  
24 When I was in the private sector, in Santa Monica, we put  
25 together my company with the city. And the first



1 permanent household hazardous waste site I think in the  
2 Eighties we did this. And we went through a learning  
3 curve on this.

4 But my question is in your design and how you're  
5 going to approach this, are we going from the ground up?  
6 Are we going to be able to take a look at modulizing these  
7 things so that when we start to look at the different  
8 municipalities or want to participate in collecting this  
9 stuff permanently, which is cheaper than the round ups,  
10 that there might be a way to contract with a supplier that  
11 would mass produce in a modular way, because you can go  
12 small, medium, and large, depending how many models and  
13 the safety factors can be built into these storage  
14 containers, roll-off containers, and such. Is that  
15 something you guys are going to take a look at?

16 ACTING BRANCH MANAGER CORNWALL: Bonnie Cornwall,  
17 Acting Branch Manager.

18 That would be when we do the survey and the  
19 selection of the models that's certainly one of the kind  
20 of models we look at because it's less expensive  
21 generally. One of the slides of why the guidance manual,  
22 in particular we talked about design room for expansion.  
23 That's a serious need at this point. What we've seen in  
24 the cycle of the grants is many are coming to us now not  
25 to build a new facility but to expand. And you need to

1 look at planning for that up front.

2 COMMITTEE MEMBER PETERSEN: And that's more  
3 expensive.

4 ACTING BRANCH MANAGER CORNWALL: Right. We'll be  
5 having conceptual designs and again trying to really  
6 showcase the different kinds of facilities that exist  
7 around the state. So when we talked about the three  
8 models, you know, we said small, medium, and large. But  
9 we're kind of looking at probably, you know, simple to  
10 more elaborate or from Volkswagon to Lexus, whatever you  
11 want to call it. We have some models that are basically a  
12 roof and some of these storage containers as opposed to a  
13 full-out build. So we're looking at the range of  
14 alternatives because we want jurisdictions to be able to  
15 select something that meets their needs, fits their  
16 budget, et cetera.

17 COMMITTEE MEMBER PETERSEN: And do we have a  
18 contractor in mind for this?

19 ACTING BRANCH MANAGER CORNWALL: In this  
20 particular process right now, we're working closely with  
21 the contracts office. We will be seeking some bids or  
22 interest in bidding from a number of State agencies. And  
23 then it's our hope that we'll be able to actually work  
24 with the certified small business. So we have a list of a  
25 number of businesses given a time frame and that we want

1 someone to have experience actually constructing these  
2 facilities and doing training because that's a component  
3 of it. It didn't seem to us at first glance that any of  
4 the State agencies or universities would really fit the  
5 bill here. So it is our intent to go out and look for  
6 certified small businesses.

7 COMMITTEE MEMBER PETERSEN: Is this going to be  
8 done before June?

9 ACTING BRANCH MANAGER CORNWALL: Yes, sir.

10 COMMITTEE MEMBER PETERSEN: So there will be some  
11 attempt to take a look at the modulizing of these kind of  
12 facilities?

13 ACTING BRANCH MANAGER CORNWALL: Yes.

14 COMMITTEE MEMBER PETERSEN: Will there be a  
15 sustainable design building element involved in this?

16 ACTING BRANCH MANAGER CORNWALL: Yes.

17 COMMITTEE MEMBER PETERSEN: In what way?  
18 Recycled content?

19 ACTING BRANCH MANAGER CORNWALL: Certainly,  
20 recycled content. Some of the more recent facilities we  
21 built, for example, the facility in Stockton, we looked at  
22 placement on the site so you can take advantage of  
23 lighting, ventilation, some of these design features. We  
24 usually don't see as much of that acceptance of materials  
25 on the smaller more modular facilities. On the larger

1 ones, you see more evidence of that sustainable design.  
2 But certainly siting issues are you can take better  
3 advantage of the natural conditions. Natural lighting  
4 will address that.

5 COMMITTEE MEMBER PETERSEN: And this is going to  
6 be very specific about specifics on design and specifics  
7 on materials as you roll this out?

8 ACTING BRANCH MANAGER CORNWALL: Yes. I think  
9 there will be -- again, if you look at the design process,  
10 you generally start out with looking at a kind of  
11 conceptual design and a bubble diagram. We're not going  
12 to the level of schematics, the particulars for each site.  
13 We're more trying to get folks started so they have a  
14 conceptual design to go out to bid with. And then, you  
15 know, the schematics and all the particulars would come  
16 from each individual facility.

17 COMMITTEE MEMBER PETERSEN: Thank you.

18 CHAIRPERSON BROWN: Thank you.

19 Any other questions?

20 COMMITTEE MEMBER MULÉ: No, Madam Chair. I'd  
21 like to Move Resolution 2006-55.

22 CHAIRPERSON BROWN: Do we have a second?

23 COMMITTEE MEMBER PETERSEN: I'll second that.

24 CHAIRPERSON BROWN: It's moved by Member Mulé and  
25 seconded by Member Peterson. Can we call the roll,

1 please?

2 SECRETARY HARRIS: Mulé?

3 COMMITTEE MEMBER MULÉ: Aye.

4 SECRETARY HARRIS: Petersen?

5 COMMITTEE MEMBER PETERSEN: Aye.

6 SECRETARY HARRIS: Chair Brown?

7 CHAIRPERSON BROWN: Aye.

8 Can we move that to fiscal consent for the

9 agenda?

10 And we will move to Agenda Item C, Board Item 2.

11 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

12 Committee Item C, Board Item 2, is Consideration

13 of Grant Awards for the Targeted Rubberized Asphalt

14 Concrete Incentive Grant Program. The item before you

15 today continues to implement Board direction for

16 consideration of a monthly approval process for these

17 grant awards. The Board has already awarded grants in

18 January, March, and April totaling \$2.7 million.

19 Today, we are bringing two additional awards for

20 consideration. Due to some changes, which again came

21 about just yesterday, we've made a revision to the agenda

22 item which we are presenting to you now. Again, we

23 believe in keeping with the Board's direction to us to

24 make every effort to accommodate the needs and the

25 scheduling requirements of local jurisdictions as they

1 attempt to implement these RAC projects.

2           So now if I may, I'll turn this over to Nate  
3 Gauff to make the remainder of the staff presentation and  
4 fill you in on specifics.

5           MR. GAUFF: Good morning, Madam Committee Chair,  
6 Committee Board and Board members.

7           As Jim said, this is the fourth iteration of  
8 grant awards for this program. We have two grants that  
9 have come in. One is with the County of Sonoma for  
10 175,000. The other one is with the City of Placerville  
11 for 200,000.

12           To revisit, the previous awards -- Placerville  
13 was awarded a grant in January. The reason they're coming  
14 back for this award and they're willing to relinquish  
15 their previous award, the reason they're coming back is  
16 because the first application was based on historical  
17 cost. It was basically an estimate at that point. And as  
18 we all know, the price of petroleum has gone up quite a  
19 bit. And since paving asphalt is a petroleum product, the  
20 cost that they received when they actually opened their  
21 bids about two weeks ago were about double what they  
22 estimated. So in revisiting their project, they recognize  
23 they would not be able to complete the project with the  
24 previous grant amount. So they once again revised their  
25 grant amount and resubmitted an application for a grant.

1 So that's why they're on the list today.

2 COMMITTEE MEMBER MULÉ: Excuse me, Nate. What  
3 was the original amount?

4 MR. GAUFF: The original grant award was 70,000.  
5 And like I said, the price is basically doubled. Their  
6 bid price that they got in their bid was actually double  
7 what they estimated originally.

8 Are there any other questions?

9 DEPUTY DIRECTOR LEE: Nate, one point of  
10 clarification. Aren't they expanding the project of what  
11 was originally approved by the Board earlier?

12 MR. GAUFF: Yeah. They did slightly expand the  
13 amount of tonnage. This is the actual bid that's come in  
14 from the contractor that looked at how much material would  
15 be needed to complete the project. And I think the  
16 increase was about 10 percent of the material. It wasn't  
17 a huge increase, but it was an increase in material. But  
18 the biggest factor was the great increase in cost.

19 CHAIRPERSON BROWN: Gary, do you have a question?

20 COMMITTEE MEMBER PETERSEN: So double that 70  
21 grand on the amount of the asphalt to 140, and there was  
22 another 10 percent on top of that?

23 MR. GAUFF: That's the simple way to explain it.  
24 Basically what --

25 COMMITTEE MEMBER PETERSEN: It's Thursday -- or

1 what morning is this? I don't know. I just don't  
2 understand.

3 CHAIRPERSON BROWN: I think it's Wednesday.

4 MR. GAUFF: I can explain it to you. The  
5 original grant was they estimated about \$70 a ton for  
6 rubberized asphalt and about \$50 a ton for conventional  
7 asphalt. What the grant pays is the differential cost  
8 which would roughly be \$20 a ton times the amount of  
9 material you use, which at that time was 3500 tons, which  
10 is in the requirements. So that came out to \$70,000.  
11 They got their bids back. The differential is actually  
12 \$50 a ton. And they're actually increasing from 3500 tons  
13 to 38. If you take \$50 a ton times 3,800 tons, it's  
14 \$190,000. They did add some testing cost they didn't have  
15 in their original bid, which are acceptable under the  
16 program to round it up to 200,000.

17 COMMITTEE MEMBER PETERSEN: Thank you.

18 CHAIRPERSON BROWN: One point of clarification.  
19 In your agenda item, I don't know that the amount  
20 remaining reflects the fact that they will relinquish  
21 their original grant. So you need to add 70,000 back to  
22 the remaining amount. I'm not great with math, but I  
23 think it's not in there.

24 MR. GAUFF: That's on page 3 of the item.

25 CHAIRPERSON BROWN: That is on page 2 where you



1 total the remaining amount in RAC incentive grants  
2 remaining under funding information.

3 MR. GAUFF: Correct. Right. And I didn't --  
4 since the Board had not acted, I did not put that in. But  
5 when we come before the Board next month --

6 CHAIRPERSON BROWN: We'll have 70,000 more.

7 MR. GAUFF: The total amount -- if we go with the  
8 two grants today and they relinquish the 70,000, the  
9 amount remaining will be \$572,000. You are correct.

10 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Madam  
11 Chair, if I might add.

12 CHAIRPERSON BROWN: Go ahead, Mitch.

13 WASTE TIRE DIVISION SUPERVISOR DELMAGE: The  
14 grant will be relinquished, you know, after the approval.  
15 The reason it's the same is that at this point the grant  
16 is not relinquished.

17 CHAIRPERSON BROWN: I got it. I figured that.

18 Any other questions? Any questions, Cheryl?

19 BOARD MEMBER PEACE: I know we brought it up  
20 before about requiring signage when we give money to do a  
21 RAC project, that we get some sort of signage out there  
22 letting the people in the community know that the road  
23 that's being laid has rubberized asphalt concrete and  
24 waste tires in it. Has staff done any more about figuring  
25 out how we write that into the grants, require there be

1 some sort of a signage?

2 MR. GAUFF: Well, we have that as part of our  
3 procedures and requirements. You know, in addition to the  
4 reporting requirements and things like that, we ask them  
5 to submit photographs and a couple of other things, and  
6 signage is one of the requirements.

7 BOARD MEMBER PEACE: So they are required to put  
8 a sign?

9 MR. GAUFF: Correct.

10 BOARD MEMBER PEACE: That says this road is being  
11 paved with waste tires. Okay. And also we haven't given  
12 a grant to the City of Los Angeles, have we?

13 MR. GAUFF: They have not applied.

14 BOARD MEMBER PEACE: But they qualify, is that  
15 correct, because they haven't laid a RAC project in a long  
16 time?

17 MR. GAUFF: As far as I understand today, yes,  
18 they do qualify.

19 BOARD MEMBER PEACE: So I guess when we go out  
20 with the Ogalvy contract, they'll be one of the ones we're  
21 going to want to target.

22 MR. GAUFF: I don't handle that contract.

23 BOARD MEMBER PEACE: We'll want to make sure with  
24 the Tire Program that is one of the places that we would  
25 want to target since they have so many roads.

1           WASTE TIRE DIVISION SUPERVISOR DELMAGE: I forgot  
2 to introduce myself. Mitch Delmage, Manager of the Waste  
3 Tire Program.

4           Board Member Peace, yes, we will be working with  
5 L.A. I'm not sure if it will be through the Ogalvy  
6 contract, but we are already working with them. We'll be  
7 continuing to work with them. And I believe next year we  
8 will be able to get them into the fold.

9           BOARD MEMBER PEACE: I hope so. Thank you.

10          CHAIRPERSON BROWN: Thank you, Member Peace.  
11          Member Mulé.

12          COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

13          Nate, could you further explain this cost  
14 differential to me, because I'm a little bit confused. I  
15 guess my thought is that using RAC instead of, you know,  
16 non-tire-derived product would actually -- with the price  
17 of petroleum increasing, that cost differential in my mind  
18 should be less, not more. So could you explain that to  
19 us?

20          MR. GAUFF: Okay. As far as the petroleum  
21 increase, you know, the base cost for conventional asphalt  
22 has also risen.

23          COMMITTEE MEMBER MULÉ: Exactly. Right.

24          MR. GAUFF: When you look at differential cost of  
25 doing any project with using conventional materials with

1 using rubberized materials, it doesn't always equate to a  
2 straight material cost differential. It's based on  
3 supplier availability and scheduling and things like that.  
4 They have to mobilize the additional equipment to mix the  
5 rubberized binder. And that typically is what factors  
6 more so into the cost than just the straight additional  
7 material cost of using the rubber and using additional  
8 asphalt that is required when you use rubberized asphalt.

9 COMMITTEE MEMBER MULÉ: Okay. So then that being  
10 the case, then we may see some of our other grantees from  
11 January, March, come back to us because that same thing  
12 may happen with them. You know, they received the grant  
13 from us. They put their project out to bid. The bids are  
14 going to come in higher than they had anticipated back in  
15 January or before when they received this grant.

16 So my question is, you know, is this a trend?  
17 Are they all going to come back or are some of them going  
18 to come back to us because the bids came in higher than  
19 they originally anticipated?

20 MR. GAUFF: Well, if you look at the original  
21 awards in January, which were done on a very quick  
22 turn-around by the time the information got out and the  
23 first due date was in effect, some of those bids were --  
24 or I think all of those bids were based on historical  
25 costs. Okay.

1 COMMITTEE MEMBER MULÉ: Right.

2 MR. GAUFF: I think if you look at them, I think  
3 it's the City of Laverne or whichever one -- the one in  
4 Southern California, they basically went for the full  
5 amount.

6 COMMITTEE MEMBER MULÉ: Right.

7 MR. GAUFF: Nevada City is almost at the full  
8 amount.

9 COMMITTEE MEMBER MULÉ: Galt, 155,000.

10 MR. GAUFF: Galt is nearly at the top amount.  
11 And the city of Ripon, if you remember, we actually  
12 adjusted theirs when we made the first award because they  
13 had neglected some costs. But I think overall they felt  
14 that their costs -- their bids were representative. I  
15 mean, their estimates were representative of what the bids  
16 would reflect.

17 Placerville -- and I did talk with them even  
18 initially back in January or back in December about  
19 adjusting their bid, because I thought it was low. And he  
20 said, "Well, you know, this is based on the information we  
21 have now. We're going to put it in." Okay. So we went  
22 ahead.

23 What we've done subsequently to that if you look  
24 at the March awards and also the April awards, we  
25 basically told those local governments if you didn't have

1 a bid, that you should probably look at the maximum  
2 amount, in which case that's pretty much what they've  
3 done. So I don't see anybody coming in -- obviously they  
4 can't because they're maxed out in March and April, and  
5 these awards are also maxed out. But the first awards I  
6 think was a learning curve. So I don't anticipate anybody  
7 coming back to us other than the folks in January if  
8 anybody comes back at all.

9 COMMITTEE MEMBER MULÉ: Thank you. I appreciate  
10 that explanation.

11 CHAIRPERSON BROWN: Thank you, Nate.

12 Any additional questions from any Board members?  
13 Can I have a motion?

14 COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to  
15 approve Resolution 2006-76 Revised.

16 CHAIRPERSON BROWN: Do I have a second?

17 COMMITTEE MEMBER PETERSEN: I'll second that.

18 CHAIRPERSON BROWN: Moved by Member Mulé and  
19 seconded by Member Peace. Can we call the roll, please?

20 SECRETARY HARRIS: Mulé?

21 COMMITTEE MEMBER MULÉ: Aye.

22 SECRETARY HARRIS: Petersen?

23 COMMITTEE MEMBER PETERSEN: Aye.

24 SECRETARY HARRIS: Chair Brown?

25 CHAIRPERSON BROWN: Aye.

1 Can we move that to fiscal consent?

2 And we'll move to Agenda Item D, Board Item 3.

3 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

4 The Committee Item D, Board Item 3, is

5 Consideration of Scope of Work and Contractor for the

6 State Agency Partnership to Support the Use of the

7 Tire-Derived Product.

8 This item implements Board direction as contained

9 in the Five-Year Plan and requests confirmation of the

10 \$400,000 fund allocation for this plan line item. This

11 year, staff proposes to work with Cal Expo management to

12 showcase various tire-derived products at Cal Expo where

13 it can be utilized or observed by the estimated 2 1/2

14 million people per year who attend events there.

15 As part of the contractual arrangement with Cal

16 Expo, there will be required rigorous evaluation and

17 reporting on the product utilization and performance which

18 we expect will stimulate interest in and demand for

19 tire-derived products.

20 I'll now ask Linda Dickinson to make the

21 remainder of the staff presentation.

22 CHAIRPERSON BROWN: Go ahead, Linda.

23 MS. DICKINSON: Good morning, Committee. I'm

24 Linda Dickinson with the Product Promotion and Assistance

25 Section of the Special Waste Division.

1           As Jim indicated, Cal Expo is host to over 2.5  
2 million people who attend events at the Fairgrounds  
3 throughout the year. And during the annual California  
4 State Fair, typically more than one million people attend  
5 during its 22-day run.

6           Cal Expo is excited about this venture of the  
7 \$400,000 contract and is readying their plans to include  
8 the tire-derived product installation for viewing during  
9 the 2006 State Fair.

10          There's a little background on the project. The  
11 objectives of this project is to increase the markets for  
12 tire-derived products by exposing and informing the public  
13 and future government agency purchasers of the  
14 economically viable uses of recycled rubber products.  
15 California is faced with the challenge of diverting or  
16 safely managing more than 39 million used and waste tires  
17 it generates annually. The Board staff estimates that  
18 28.5 million tires, about 73 percent, are diverted  
19 annually for various alternative uses. To prevent the  
20 remaining 10.5 million from damaging the environment, it  
21 is more desirable to support markets that would lead to  
22 recycling this material.

23          The long-term goal of this project is to identify  
24 cost effective tire-derived products that can replace  
25 existing products purchased. As part of this effort, Cal



1 Expo will be required to provide follow-up reports that  
2 detail how successful any replacement products perform and  
3 also whether the rubberized products would be purchased in  
4 the future.

5           Of course, any rubberized product purchased or  
6 manufactured would have to be made with 100 percent  
7 California-generated waste tire rubber. Further, at most  
8 of the project locations, the contractor will place  
9 signage indicating the Board is the sponsor of the project  
10 and there will be a mention of the number of waste tires  
11 used.

12           Recycled tire products will be installed or used  
13 for various programmatic areas throughout the Fairgrounds  
14 and in the Fairground buildings. Possible uses include  
15 but are not limited to -- and I'll give you a listing of  
16 some of the projects we came up with. But there may be  
17 more that we come up with throughout the scope of work.  
18 Rubber flooring installed in front of the stage area of  
19 the stage. Rubber sports flooring installed in their  
20 newly remodeled simulcast facility. Rubber tiles  
21 installed at the main gate entrance to the Fairground.  
22 Rubber mats used for employees and the public throughout  
23 the grounds. Rubber granules for use by kids in the kids  
24 park area. Rubber mulch area used by the landscaping  
25 department and the floriculture. Rubber sand bags used to

1 enhance cleaner storm water runoff. Rubber parking stops  
2 to be used throughout the grounds. Rubber traffic  
3 delineators used in parking areas. Rubber mats in rest  
4 room areas throughout the grounds. And rubber mats for  
5 horse and animal stalls.

6           There are options for the Board. But we would  
7 recommend that the Board approve the report as indicated  
8 in the Option Number 1 and adoption of Resolution Number  
9 2006-77.

10           We did bring along a representative from Cal Expo  
11 if you have any questions. And we chose Cal Expo. We  
12 talked for the last ten months to several State agencies,  
13 and Cal Expo finally was able -- was one of our last  
14 choices at the last minute, because none of the other  
15 State agencies came up with a feasible plan. And Cal Expo  
16 was able to meet all our demands and use all the money and  
17 expose most of the rubber projects to most of the people  
18 and also give us an evaluation plan and be able to share  
19 that evaluation plan with a lot of government agencies at  
20 the end of the project.

21           Are there any questions?

22           CHAIRPERSON BROWN: Thank you, Linda.

23           Board members, any questions? We'll start at  
24 this end, Gary, if that's okay. We'll move down.

25           Pat.

1           BOARD MEMBER WIGGINS: Regarding the signage,  
2 what are the requirements for the signage? And is there a  
3 way that the person knows what the product is and how they  
4 can contact somebody to purchase more?

5           MS. DICKINSON: Our website has a listing of the  
6 manufacturers of the projects from CIWMB.

7           BOARD MEMBER WIGGINS: Where is that? On each  
8 sign or where?

9           MS. DICKINSON: It's on the CIWMB website. We  
10 have a list of manufacturers --

11           BOARD MEMBER WIGGINS: That doesn't help people  
12 who are in the fair.

13           WASTE TIRE DIVISION SUPERVISOR DELMAGE: If I  
14 might interject. Mitch Delmage again.

15           Board Member Wiggins, on the signs that are  
16 posted, you know, they're fairly small signs. They'll say  
17 this is a project sponsored California Integrated Waste  
18 Management Board. It's made out of recycled California  
19 tire rubber, and it will give the number of tires that are  
20 being used in this project. They do not have information  
21 on, you know, what particular -- that it's mulch or what  
22 it is. You know, it is what it is.

23           BOARD MEMBER WIGGINS: So they don't describe the  
24 product?

25           WASTE TIRE DIVISION SUPERVISOR DELMAGE: If your

1 suggestion is we should have like an 800 number where they  
2 could call our Board and we could direct them to the  
3 website, or we could put maybe have our website address on  
4 something like that.

5 BOARD MEMBER WIGGINS: Maybe the website would be  
6 the answer.

7 CHAIRPERSON BROWN: Can I make a suggestion? I  
8 had the same question Pat does. And I think it's great  
9 that Cal Expo is going to do this, but most of these  
10 products that they're using can't be signed. I mean, you  
11 know, it will be impossible to sign some of these products  
12 or to adequately get signage or knowledge out to people  
13 who are looking at these things.

14 MS. DICKINSON: Well, many of them I think will  
15 be -- even in the equine area, the horse stalls, some of  
16 the --

17 CHAIRPERSON BROWN: Well, yeah. But if you're  
18 talking about a sign this big that has our web address,  
19 I'm not going to go to the website to find out how to get  
20 a pad or a mat or mulch.

21 What I think might be more beneficial to work out  
22 with Cal Expo is some sort of during the fair a display or  
23 opportunity for our TDA companies or anybody who produces  
24 the material to have information out similar to the  
25 displays we put in our own lobby where people can get

1 information about these products and about how tires are  
2 used and what their alternatives are, rather than just a  
3 little sign that people will say, oh, isn't that  
4 interesting, and walk buy. So if there was an opportunity  
5 in the county's building or something like that where we  
6 could maybe negotiate a location for that, that would be  
7 great.

8 BOARD MEMBER DANZINGER: Will we already have a  
9 booth at Cal Expo anyway? I don't know if that's the  
10 answer, but don't we usually have a booth out there?

11 WASTE TIRE DIVISION SUPERVISOR DELMAGE: We have  
12 had in the past. And we certainly I believe -- I hope,  
13 anyway, that there would be enough time for us to do it.  
14 We have a contract for this type of, you know, operation  
15 through our Sac State. So would that resolve your issues  
16 with this as well?

17 BOARD MEMBER WIGGINS: Well, yeah. In fact, if  
18 the Board had a stall that talked about what they provided  
19 and how you can contact people to purchase these products  
20 and describe the products that are out out there in the  
21 fair, that would make sense.

22 WASTE TIRE DIVISION SUPERVISOR DELMAGE: That  
23 sounds great to us. I believe we can accommodate that.

24 DEPUTY DIRECTOR LEE: That sounds like an  
25 excellent idea. And I believe we have members from Cal

1 Expo here. They can speak to any difficulties they would  
2 see with implementing the proposal.

3 MS. DICKINSON: We also have in the scope of work  
4 an avenue for taking a survey from the public regarding  
5 their feelings on the project.

6 MR. LAUNEY: I'm Steve Launey. I'm Assistant  
7 General Manager for the Facilities and Planning.

8 I think the way we envision this is where we do  
9 have some of these products displayed, say in the kids  
10 park area where we make a play area with the rubberized  
11 mulch where the kids can play, there be some sort of  
12 signage there stating those things you talked about, how  
13 many tires were diverted and waste stream is made out of  
14 recycled tire. To me it seems we can add a line to the  
15 bottom of that what the product is and the manufacturer or  
16 something. We can work with somebody maybe to do the  
17 additional. That's not going to take much more space on a  
18 small sign. So somebody that's there viewing the product  
19 can get more information about the product. I know in the  
20 past we have had booth space available at the fair, and we  
21 can work on some sort of an arrangement of that type also  
22 where we can direct people for more information.

23 COMMITTEE MEMBER MULÉ: Do you have a program  
24 that you hand out at the fair or some printed material?

25 MR. LAUNEY: Yes, we do. We have a daily guide.

1 COMMITTEE MEMBER MULÉ: Might I suggest that you,  
2 if you would, as part of your contract add a little blurb  
3 indicating that you're using -- a number of products are  
4 being showcased at the Expo that are being made from  
5 recycled content materials. I think that would be very  
6 helpful, because it's printed and it's something that  
7 people can take home with them and read it. And then  
8 again in that space you can then include information on  
9 where they can get additional information if they wish to  
10 find out further information on these products or wish to  
11 purchase them.

12 MR. LAUNEY: Sure. We can work with our  
13 marketing department hopefully to work it in to some sort  
14 of materials.

15 COMMITTEE MEMBER MULÉ: Thank you very much. I  
16 appreciate that.

17 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Madam  
18 Chair, if I might offer one last comment. I'd like to  
19 open it up to Mr. Leary that we'd be glad to host other  
20 recycled products at a booth as well.

21 EXECUTIVE DIRECTOR LEARY: We can certainly look  
22 at it. We have had booths in the past, you know,  
23 concurring with what you said earlier, Mitch. It's pretty  
24 staff intensive.

25 WASTE TIRE DIVISION SUPERVISOR DELMAGE: That's

1 why we want to include other products.

2 EXECUTIVE DIRECTOR LEARY: So we'll have to  
3 figure out and evaluate the value of that. But Rosalie's  
4 suggestion is a great one. I wonder about the idea I  
5 think most of the hot dogs are made from rubberized  
6 concrete.

7 WASTE TIRE DIVISION SUPERVISOR DELMAGE: That's  
8 true, but that's from Nevada rubber, not California  
9 rubber.

10 COMMITTEE MEMBER PETERSEN: It's real chewy.

11 CHAIRPERSON BROWN: We probably need to look at  
12 what our flexibility is on promoting certain products or  
13 just making information available and how staff intensive  
14 that would be to staff a booth full time and maybe just  
15 engage in a dialogue with Steve and their marketing people  
16 on options.

17 Did you have more?

18 COMMITTEE MEMBER PETERSEN: Yes, please.

19 CHAIRPERSON BROWN: Your turn.

20 COMMITTEE MEMBER PETERSEN: In case we can't get  
21 a booth, could we do a fact sheet that is located at some  
22 booth that's just there with nobody sitting there to show  
23 around the facility what products are where and what  
24 they're made out of and all the detailed information, as a  
25 fact sheet?



1           CHAIRPERSON BROWN: Well, Gary, you can expand  
2 that and have that be a kids quiz over in the kids area  
3 and have them find and locate them.

4           COMMITTEE MEMBER PETERSEN: With crayons and  
5 everything.

6           Okay. Now is this going to be permanent? It's  
7 going to be permanent at the facility?

8           MS. DICKINSON: Correct. Some of them they're  
9 buying products, and they're not out all the time, like  
10 the highway products.

11          COMMITTEE MEMBER PETERSEN: Then are we going  
12 to -- I mean, I'm just thinking of the audience here. Cal  
13 Expo -- I mean, can you tell me about the audience? Who  
14 goes to Cal Expo?

15          CHAIRPERSON BROWN: Everybody goes there. The  
16 fair gathers about a million people statewide.

17          COMMITTEE MEMBER PETERSEN: I've never been. I'm  
18 just a little town.

19          WASTE TIRE DIVISION SUPERVISOR DELMAGE: I think  
20 maybe we'll have a grand opening and invite you.

21          MR. LAUNEY: In addition to the State Fair --  
22 that is our major event -- our mission is to provide the  
23 State Fair for the state of California. We also host  
24 trade shows throughout the year, home and garden shows,  
25 industry trade shows are different groups of all types of

1 the public that attend our facility.

2 CHAIRPERSON BROWN: I don't think Gary knew I  
3 worked at the fair.

4 COMMITTEE MEMBER PETERSEN: I better be careful.

5 So now my next question -- I love this because  
6 this is demonstrating recycled content -- this is awesome.  
7 But then I'm thinking in my brain of how we get to next  
8 steps. And a campaign, is John Myers tuned into this on  
9 what we're doing?

10 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Yes.

11 COMMITTEE MEMBER PETERSEN: Are we going to put  
12 something together to communicate to the other sports  
13 venues in the state and the other fairs in the state about  
14 what we're doing here and this is available to them?

15 WASTE TIRE DIVISION SUPERVISOR DELMAGE:  
16 Mr. Petersen, we're already looking at various projects  
17 for next year, and one of them that was kind of first out  
18 of the shoot is the fair in Los Angeles.

19 COMMITTEE MEMBER PETERSEN: Okay.

20 WASTE TIRE DIVISION SUPERVISOR DELMAGE: So if we  
21 get this one going well, we'll be talking with them down  
22 south as well.

23 COMMITTEE MEMBER PETERSEN: So like a guideline  
24 on recycled content materials, not just tires, that you  
25 can use at your venues?

1 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Yes.

2 COMMITTEE MEMBER PETERSEN: This is great.

3 CHAIRPERSON BROWN: Can I ask you another

4 question as long as you're here? And this is totally off

5 the agenda item. How effective is Cal Expo in recycling?

6 Do you do a lot of recycling? Can we offer that

7 assistance as well?

8 MR. LAUNEY: We are very actually successful in

9 recycling. I think the last -- we're up at about 75 to 80

10 percent recycling is the -- we have a big bulk of actually

11 straw manure in the back that helps us. We are active in

12 trying to recycle paper products and other types of

13 products.

14 CHAIRPERSON BROWN: Totally caught you off guard,

15 and I apologize. But it is a State facility, and we do

16 monitor. We haven't gotten that report, so I was curious.

17 MR. LAUNEY: We're trying to be right there and

18 we stay up. And I think we've been very effective in

19 utilizing a lot of different recycling activities and

20 programs to do that.

21 CHAIRPERSON BROWN: Good. I think Gary has one

22 other question.

23 COMMITTEE MEMBER PETERSEN: One more. Since this

24 is such a huge thing and it's a great demonstration, is

25 there a process on the press exposure for this and what

1 you're going to do with the trade journals and everybody?

2 WASTE TIRE DIVISION SUPERVISOR DELMAGE: I don't  
3 know.

4 MS. DICKINSON: It's in the scope of work that we  
5 will be working with our publication section and their  
6 public press section on leases and so forth on the  
7 projects. And I actually talked with Lanny today.

8 Also, some of the projects that were chosen as  
9 winners on the Cal Expo contest last year, they'll be  
10 purchasing for Cal Expo. So it's kind of a closing the  
11 loop on the winners from the contest. So it's a good  
12 feedback for those winners.

13 CHAIRPERSON BROWN: Great.

14 COMMITTEE MEMBER PETERSEN: Thank you very much.

15 CHAIRPERSON BROWN: Thank you, Steve. Thank you.

16 Any other questions from Board members?

17 BOARD MEMBER PEACE: You said you were looking at  
18 possible venues for next year and you mentioned  
19 Los Angeles. Did you consider the San Diego County Fair,  
20 Del Mar?

21 MS. DICKINSON: Del Mar already has some projects  
22 going on. And they're funded by an outside agency.

23 BOARD MEMBER PEACE: So it's --

24 MS. DICKINSON: They get a lot of money.

25 BOARD MEMBER PEACE: I was wondering, because I

1 think they might be bigger than the State Fair.

2 MS. DICKINSON: We have funded some rubberized  
3 surfacing projects already. They are really -- they're  
4 putting in the poly track already.

5 BOARD MEMBER PEACE: They're really recycling  
6 minded and everything.

7 MS. DICKINSON: They're very recycling minded.  
8 They have a big project going, and it's about six, seven  
9 million right now.

10 But we thought that L.A. County because of the  
11 population that goes through there for their County Fair  
12 might be a good choice. So when this one goes through,  
13 we'll be contacting them.

14 BOARD MEMBER PEACE: It would be nice to see  
15 something for Southern California also.

16 CHAIRPERSON BROWN: Thank you, Linda.

17 Can I have a motion, please?

18 COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to  
19 move Resolution 2006-77.

20 CHAIRPERSON BROWN: Can I get a second?

21 COMMITTEE MEMBER PETERSEN: I'll second it.

22 CHAIRPERSON BROWN: It's been moved by Member  
23 Mulé and seconded by Member Petersen.

24 Can we call the roll?

25 SECRETARY HARRIS: Mulé?

1 COMMITTEE MEMBER MULÉ: Aye.

2 SECRETARY HARRIS: Petersen?

3 COMMITTEE MEMBER PETERSEN: Yes.

4 CHAIRPERSON BROWN: Brown?

5 CHAIRPERSON BROWN: Aye.

6 Move that to fiscal consent.

7 And move to Agenda Item E, Board Item 4.

8 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

9 Committee Item E, Board Item 4, Consideration of  
10 Scope of Work and Agreement for Use of Satellite  
11 Technology to Locate and Monitor Waste Tire Piles for  
12 California and the California Mexico Border Region.

13 This agenda item is the culmination of a pilot  
14 program, the results of which were reported to and  
15 favorably received by the Board a few months ago. The  
16 pilot program demonstrated that satellite imagery can be a  
17 useful adjunct or supplement to our current surveillance  
18 activities.

19 The item before you implements Board direction to  
20 bring back a consideration item integrating this  
21 surveillance tool into our overall enforcement program.

22 I'll now ask Darryl Petker and Mitch Delmage to  
23 make the remainder of the staff presentation.

24 CHAIRPERSON BROWN: Thank you. Who's going  
25 first? Mitch?

1 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Yes.

2 Mitch Delmage, Manager of the Waste Tire Program.

3 I just kind of wanted to lead off with this,  
4 because I particularly wanted to thank Darryl for the way  
5 he went about this. He originally -- you know, the  
6 original contract was sent with San Jose. Of course, when  
7 we wanted to expand it, we went back to them and talked to  
8 them. At that particular time, their thought was kind of  
9 been there, done that. And they suggested to us several  
10 other universities that might be interested.

11 And he very diligently contacted four other  
12 universities, met with them, talked to them, negotiated,  
13 and got what we believe is the best deal. Most of the  
14 time when we deal with universities, there's very high  
15 overhead costs. He was able to negotiate quite a  
16 reasonable overhead cost and got us a lot for our money as  
17 far as coverage. So I just wanted you to know that we're  
18 very mindful in this program about how we go about getting  
19 the best bang for our buck. And I think Darryl really hit  
20 a home run on this one.

21 CHAIRPERSON BROWN: Thank you very much, Mitch.  
22 I appreciate that.

23 WASTE TIRE DIVISION SUPERVISOR DELMAGE: I should  
24 add so did Linda on Cal Expo.

25 CHAIRPERSON BROWN: Thank you, Linda. Darryl,

1 thank you very much.

2 Would you like to proceed with your presentation?

3 (Thereupon an overhead presentation was  
4 presented as follows.)

5 MR. PETKER: Thank you for that introduction,  
6 Madam Chair and Board members.

7 Got a few slides here I'd like to go over, and I  
8 think I've laid it out so you can see where we've been and  
9 where we'd like to go with this. Also in addition, we  
10 have some people here from San Francisco State who I would  
11 like to introduce if you have questions on the technical  
12 end of this, they're here to answer those. And that's Dr.  
13 Foshey who will be heading up the project for San  
14 Francisco State. She has over 25 years experience in  
15 imagery and will be kind of helping us, guiding us, and  
16 providing some great support.

17 And next to her, some of you may remember  
18 Catheryn Hybrecks who was on the San Jose development team  
19 to actually get this going for us. So it makes a nice  
20 segue for us that we have people who have knowledge on  
21 this that are going to be continuing work on this. One  
22 other person who isn't here was on development also was  
23 San Jose NASA but is now working on her masters, she will  
24 be continuing to help us to develop the methodology and  
25 move it forward.



1           A little bit about that methodology is that we've  
2   been contacted by several people who said, let's see what  
3   you got, I like that. Even during the process, they were  
4   very interested in it. So there's a lot of interest not  
5   just in California but nationally for what we've done  
6   here.

7           I'd like to address an agreement here with  
8   San Francisco University to use satellite technology -- I  
9   should use the word currently available satellite  
10   technology to locate waste tire piles in California and as  
11   to help with the border study along the California Mexico  
12   border region.

13                               --oOo--

14           MR. PETKER: An overview of the project. The  
15   CIWMB developed with San Jose State a methodology for  
16   using currently available satellite technology to locate  
17   and monitor waste tire piles in California. CIWMB will  
18   use this agreement with San Francisco State upon your  
19   approval to continue to build on previous methodologies  
20   and successes.

21           We'll require that the work to be done will use  
22   currently available technologies. So we're not using  
23   something secret here. We not using something that's very  
24   expensive. It's something that a private company can also  
25   go out and get.

1           This information will be available not only to  
2 us, but to local enforcement staff to help with their  
3 efforts on waste tire issues. And again, I want to  
4 reiterate we're not only going to use this for waste tire  
5 issues, but we're going to be able to use this to a great  
6 extent on the border region to extend that contract, save  
7 them money, and provide them with additional information.

8           Surveillance needs, a little bit about this.  
9 There is a need as we find looking at over the state for  
10 accurate and efficient ways to remotely monitor the waste  
11 tire piles in large areas such as the desert and remote  
12 areas such as Northern California. We did some of that in  
13 Sonoma for viewing land and areas that are hard to access  
14 by our field inspectors or local staff driving on roads.

15           Considerable illegal disposal of waste tires is  
16 still continuing through California in urban and rural  
17 settings. While I think we've done a great job and it  
18 isn't as bad as it used to be, we need to be diligent  
19 about that.

20           The surveillance can be used not only to trace  
21 illegal activities, but also can be used to confirm  
22 compliance. So we can look at something that was there a  
23 few years ago, look at it again and say, yes, there is an  
24 improvement. And again, I've hit on the last bullet, but  
25 it's again about the border study.

1 --o0o--

2 MR. PETKER: Benefits of satellite surveillance.  
3 I think there's going to be a long-term cost savings by  
4 reducing field staff inspection time. In the original, I  
5 think we did about a 100 square mile in Lucerne Valley,  
6 found a bunch of sites. I talked to the inspector out  
7 there. He was able to take the map produced by NASA, go  
8 out and look at those sites. I asked, how long would it  
9 have taken you to drive roads and find all of those? And  
10 what he did in a day and a half with our map probably  
11 would have taken him a week or two to find those same  
12 sites.

13           The areas that we can view can be tailored. In  
14 other words -- I'll go into a little bit of how we do  
15 that. They can be very site specific. It's not just a  
16 full blown give us everything in this area. We can  
17 pinpoint where we want to go and what we want to do.

18           This is also going to be an integral part of  
19 enforcement strategies, in conjunction with the CHP  
20 contract, in conjunction with the border studies and any  
21 other contracts that may get approved to help staff as a  
22 support. They're not necessarily stand alone. But they  
23 are supportive and integral parts of the bigger picture.

24 Everything we get will be shared with local  
25 agencies. And that means that local agencies can come to

1 us and say we'd like to be able to get this area, and I  
2 think we've got a deal big enough that we can accommodate  
3 them for their efforts also.

4 And the information obtained can be legally  
5 trailed so that it can be used in administrative and court  
6 proceedings.

7 --o0o--

8 MR. PETKER: How it will work. A little synopsis  
9 is that a field inspector or local agency will say I have  
10 a big area out here. I have rumors about illegal dumping  
11 of tires. Can you do this area for me.

12 I'll sit down and do a little map. We'll take  
13 that and give it to San Francisco. They buy the imagery  
14 for it. They'll process it through their system. Then  
15 they will provide us with a map, some lat and long points  
16 or some coordinated points and some other information  
17 about how big they think it is and give that back to us.  
18 We'll give that to the field inspector so they can  
19 continue on their job.

20 --o0o--

21 MR. PETKER: Major tasks, how do we have them  
22 lined out for the agreement is the first step before we do  
23 anything else will be to review the current methodology  
24 and see if it needs to be advanced or improved. The  
25 second step is to start work on that. We set aside

1 approximately 30,000 or 15 percent of the 200,000 for  
2 research and development per se, and that's to be used to  
3 make the system better, see what else is out there. And  
4 that's a continual process over the life of the contract  
5 so it isn't all up front. As we learn more by the work we  
6 do, we can go back and adjust.

7           That will determine the areas of investigation.  
8 In other words, they'll see the map. They'll determine if  
9 they can do it. Determine if we can do this with  
10 archived, whether it's less expensive satellite imagery,  
11 or we have to go to brand-new. We have to task a  
12 satellite to do this, which can be considerably more  
13 expensive. They'll do that imagery work. They may in  
14 some of these cases go out in the field and verify what  
15 we've seen is true and that validates the process. That  
16 will give us for each area that we request, they will give  
17 us a report that says this is what we found in that area.  
18 And then at the end of the two-year contract, they'll give  
19 us a final report with the compilation of everything  
20 that's in it and some recommendation, possibly where we go  
21 from there.

22                               --o0o--

23           MR. PETKER: Real quick, in December, this was  
24 shown, but this is kind of how the process works. On the  
25 left, you see the kind of flow chart. On the right you

1 see a picture. I'll explain here where we go. If you  
2 want technical answers to this, I'll be happy to bring up  
3 Catheryn. But basically we request an area. They get a  
4 satellite image for us, and they put that information that  
5 comes digitally through the satellite into a computer  
6 model which produces a map. Now, on the right hand side  
7 of the screen you see the green areas. That model  
8 produces those little green areas. Those green areas are  
9 then overlaid over another map, is what you see, and those  
10 are the suspected or known tire piles. Then what will  
11 happen is --

12 --o0o--

13 MR. PETKER: And I've got to double click on this  
14 one a couple times. Had a little problem pulling this one  
15 in from another slide.

16 And then what will happen is we'll get a map a  
17 little more updated than this, but this was already ready.  
18 But what you'll get is a map like this showing an area  
19 with roads, maps, something a field inspector can use with  
20 circles for known sites and circles for new or suspected  
21 sites. And on another piece of paper, we'll get  
22 information on exact with using lat and long so we can use  
23 GPS or something like that to locate this pretty  
24 accurately within probably nine to twelve feet hopefully.

25 Expected product.

1                               --o0o--

2               MR. PETKER: This is what we're going to get each  
3 time we go, hopefully. Map showing the selected areas for  
4 our use. Known and suspected waste tire locations will be  
5 highlighted on that map. Waste tire locations will be  
6 given very specific coordinates for us to use and field  
7 staff. Those maps will be overlain on street maps for us  
8 to use. And the maps will be pretty easily added to an  
9 assessor's map so we'll be able to find out who the owner  
10 is, which has caused us problems in the past.

11                              --o0o--

12              MR. PETKER: Contractor selection process. Mitch  
13 went over this, but I just wanted to show you this real  
14 quick. We contacted first San Jose State, who said this  
15 is great, but we're kind of into development, not into  
16 implementation. Gave us some names of some other people.  
17 I have a list of who we contacted up here. Of the ones we  
18 contacted, San Francisco and San Diego were both very  
19 interested, both very qualified. After reviewing  
20 everything they had and discussions with them, we chose  
21 San Francisco State.

22              And I would like to say to both of those agencies  
23 on the overhead fees, which sometimes are very high, both  
24 of them stepped right up and said, no, we can negotiate  
25 because we like this project. So they both lowered their

1 fees for us.

2           So based on the services, overhead costs, and the  
3 experience, we went with San Francisco State on this one,  
4 or at least we're recommending San Francisco State on this  
5 one.

6                               --o0o--

7           MR. PETKER: So the recommendation, this is our  
8 recommendation, is number one, that you approve the scope  
9 of work and the contractor and Resolution Number 2006-78.

10                              --o0o--

11           MR. PETKER: So, again, there are people here to  
12 answer questions for you, or I can take your questions or  
13 however you'd like to proceed.

14           CHAIRPERSON BROWN: Darryl, thank you very much.  
15 That's a great presentation.

16           Any questions?

17           Gary.

18           COMMITTEE MEMBER PETERSEN: Darryl, this is  
19 fabulous. This whole project is fabulous. As you get  
20 through this with the stuff we're doing with the border  
21 with San Diego State, it's all going to be shared, the  
22 information?

23           MR. PETKER: Yes. And I might say that once it's  
24 approved if it's approved, my next call is to the waste  
25 tire study people on the border, okay. Let's get started.



1 Let's get some areas picked so we can get going.

2 COMMITTEE MEMBER PETERSEN: This is great. Thank  
3 you very much.

4 CHAIRPERSON BROWN: Rosalie, do you have a  
5 question?

6 COMMITTEE MEMBER MULÉ: Before I approve the  
7 Resolution, I just want to thank you, Darryl, for all of  
8 your work on this. And I want to thank the rest of the  
9 staff. You know, having gone through the first go round  
10 with San Jose State, I'm really pleased to see we have  
11 some continuity with some of the folks that are going to  
12 continue to work on this project. So I want to say thank  
13 you to you also out there in the audience for continuing  
14 to work on this project.

15 And also, Darryl, I'm very pleased to see that  
16 you're going to coordinate this very closely with the  
17 border tire study. I think it's really important we do  
18 that.

19 CHAIRPERSON BROWN: Pat has a question and then  
20 Gary.

21 BOARD MEMBER WIGGINS: Whose satellite is going  
22 to be used? NASA is not in the picture.

23 MR. PETKER: No. I think I remember, but  
24 actually I'd like Catheryn to address that. Because  
25 there's several options up there, and she could give you

1 that answer better.

2 MS. HYBRECKS: Hello. Catheryn Hybrecks  
3 speaking.

4 The satellite that we use is called Ikona  
5 satellite. It's provided through a company which was  
6 previously known as Space Imaging but is now known as GIO.  
7 And it's publicly available on the Internet. You or I  
8 could purchase it with a credit card. So it's readily  
9 available.

10 BOARD MEMBER WIGGINS: So it's a private  
11 satellite that provides public information?

12 MS. HYBRECKS: Yes.

13 BOARD MEMBER WIGGINS: Thank you.

14 CHAIRPERSON BROWN: Gary, you had a question?

15 COMMITTEE MEMBER PETERSEN: Do you have this  
16 imaging for people who are color blind?

17 MS. HYBRECKS: Not yet. We're thinking about it  
18 though.

19 COMMITTEE MEMBER PETERSEN: Just wondering.  
20 Thanks.

21 Darryl, one other question. Are you going to be  
22 at the conference in San Diego next week?

23 MR. PETKER: Yes, I am. We've got Catheryn will  
24 be there, and we're going to be doing a mapping section  
25 just to share this with the other parts of the country.

1 COMMITTEE MEMBER PETERSEN: And then I know -- do  
2 you have enough money to do all this and --

3 MR. PETKER: I think we have a good start. And  
4 I'm not sure I mentioned in here, but it's for 200,000 is  
5 what we're asking. If there is problems or we get more  
6 requests -- and I might add that that 200,000 should give  
7 us in the neighborhood of four to six, depending on how  
8 expensive the imagery is, four to 6,000 square miles,  
9 which is a pretty good chunk. And that's with archived.  
10 If we go with new, it may drop down to as low as 1500,  
11 2,000 square miles.

12 COMMITTEE MEMBER PETERSEN: I for one am a big  
13 supporter of this project.

14 CHAIRPERSON BROWN: One quick question, and I  
15 don't know if you're the appropriate person. If we've  
16 designed this methodology and everybody is looking for it,  
17 are we licensing it? Do we have the option to do that in  
18 conjunction with our partners, of course?

19 STAFF COUNSEL BLOCK: This is an issue that we  
20 looked into the last time we had discussions about the  
21 satellite contract. And unfortunately, there are some  
22 statutory limitations on the Board's ability to do that,  
23 which in discussions with some other agencies who were  
24 also exploring similar things, we discovered it's  
25 relatively difficult to get those statutory changes.

1           The short answer is no, we have not done that.

2   And what we've instead done is made sure that this  
3   technology is publicly available for anybody who would  
4   want to use it, as opposed to private individuals being  
5   able to market it themselves and essentially take it out  
6   of the market for folks. We're dedicating it to the  
7   public domain.

8           CHAIRPERSON BROWN: Aren't you a good public  
9   servant.

10          Thank you. Okay.

11          COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to  
12   move Resolution 2006-78.

13          CHAIRPERSON BROWN: Can I have a second?

14          COMMITTEE MEMBER PETERSEN: I'll second that.

15          CHAIRPERSON BROWN: It's been moved by Member  
16   Mulé and seconded by Member Petersen.

17          Can we call the roll?

18          SECRETARY HARRIS: Mulé?

19          COMMITTEE MEMBER MULÉ: Aye.

20          SECRETARY HARRIS: Petersen?

21          COMMITTEE MEMBER PETERSEN: Aye.

22          SECRETARY HARRIS: Brown?

23          CHAIRPERSON BROWN: Aye.

24          Now we move to -- can I move that to fiscal  
25   consent, please. Agenda Item F, Board Item 5.

1           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

2           Committee Item F, Board Item 5, Consideration of  
3 Scope of Work and Agreement with the Air Resources Board  
4 to Purchase, Support, and Make Available Surveillance  
5 Equipment to Assist the Waste Tire Enforcement Program.

6           As we touched on in the previous item, the  
7 Board's Tire Program surveillance activities are  
8 multi-faceted. We propose to use satellite imagery. We  
9 currently do aerial flyovers conducted by the California  
10 Highway Patrol. And, of course, we utilize our boots on  
11 the ground provided by our own staff and our local  
12 enforcement agency partners.

13           Another component which we will discuss in this  
14 item is working with the Air Resources Board to take  
15 advantage of their already existing program and staff  
16 expertise in electronic surveillance to integrate with our  
17 other enforcement elements.

18           I'll now ask Darryl Petker and Mitch Delmage to  
19 make the remainder of the staff presentation.

20           CHAIRPERSON BROWN: Thank you, Jim.

21           Go ahead, Mitch.

22           WASTE TIRE DIVISION SUPERVISOR DELMAGE: I'll  
23 start again. Mitch Delmage.

24           What I wanted to say about this particular item  
25 is I see this as again a very cooperative effort that

1 we're doing with another one of our BDOs. And it doesn't  
2 just help us, but it will help the Air Board. They also  
3 work with Toxics. They work with other DBOs. So I think  
4 it kind of gets back to this agency as a whole working  
5 together as a team for the environment. And that to me is  
6 the biggest selling point for this particular item.

7           But then beyond that, just for us, with our  
8 enforcement program growing as rapidly as it is, we're  
9 getting more and more of the local governments to  
10 participate in our local enforcement efforts. You know,  
11 they're out there cleaning up piles. And then they're  
12 coming right back. Once somebody throws one or two tires  
13 out, it becomes what we call an attractive nuisance and  
14 more comes out. We don't have the staff to be out there  
15 watching these sites all the time. With this technology,  
16 we'll be able to address that.

17           We're in a contract with the Air Board over the  
18 last two years using older technology that at one time  
19 served the purpose of how the program worked then but did  
20 not serve our purposes for in particular nighttime  
21 dumping. The old systems weren't able to get good imagery  
22 at night. There was no control over them. There wasn't  
23 remote viewing, so somebody would have to essentially go  
24 through all these tapes. We wouldn't get enough  
25 information out of them. So we learned a lot over the

1 course of that time.

2 And again, Darryl and the Air Resources Board  
3 people spent the last several months kind of working out  
4 the details, meeting with people, looking at the new  
5 technology. And I think what we're bringing before you is  
6 something that I'm very proud of and I think will serve us  
7 well over the next year or so. So with that, let me turn  
8 it over to Darryl.

9 CHAIRPERSON BROWN: Thank you, Mitch.

10 Darryl.

11 (Thereupon an overhead presentation was  
12 presented as follows.)

13 MR. PETKER: Thank you. And I didn't introduce  
14 myself. Darryl Petker, Special Waste Division, Chair and  
15 Board Members.

16 --o0o--

17 MR. PETKER: I think -- thanks, Mitch. And I  
18 wanted to reiterate this, and it will come through during  
19 the slides. But this is again a part of a bigger system  
20 for supporting the enforcement end of this as well as  
21 being in partnership with other agencies.

22 So an overview would be surveillance is an  
23 integral of the Waste Tire Enforcement Program. As Mitch  
24 stated, we don't have enough people to cover all the  
25 places. So we're trying to get something else out there

1 to do that.

2 This is a proactive surveillance program to stop  
3 illegal dumping of tires as well as other waste, both  
4 hazardous and non-hazardous and forms the basis for  
5 protection of the environment.

6 ARB surveillance team are experts in this. They  
7 have a small but dedicated group that has been used for  
8 planning, placement, and maintenance of surveillance  
9 equipment and have been doing this since '95 at least.  
10 They've been working with some of our LEAs even far back  
11 then before they were dealing with us on dumping issues  
12 and stuff like that. So they're specialists in both  
13 covert and overt. In other words, let's find the bad guy,  
14 or let's make it so obvious that we're watching that you  
15 won't dump there. And we're asking the ARB help provide  
16 these services under this contract under our direction.

17 --o0o--

18 MR. PETKER: Now, we included some things in this  
19 contract which gives us a cooperative effort but control  
20 over step by step as we proceed. So there's no --  
21 decisions made are made in conjunction with both of us all  
22 the way through this.

23 Surveillance needs. Illegal disposal of waste  
24 tires continues to occur throughout California in both  
25 urban and rural settings. Local and State resource staff



1 are insufficient to cover all the sites we'd like to be  
2 able to do. And prosecution requires sufficient evidence.  
3 This is a step that can help us with that. And not only  
4 is it for prosecution, but it's also to confirm that there  
5 is compliance on those issues. We did a big one on  
6 surveillance not too long ago after a lot of research and  
7 found out they had changed. So we spent some money, but  
8 it came out we no longer had to spend any more money on  
9 enforcement issues, because it looks like they had done  
10 their job.

11 --o0o--

12 MR. PETKER: Benefits of this program I think  
13 will be provides long-term cost savings by reducing  
14 personnel costs in the field. Reduces staff's exposure to  
15 possible hazardous situations outside. Offers statewide  
16 benefits for not only us, but for the Air Board and for  
17 other agencies.

18 I can throw in that somebody heard we were going  
19 for this. I got a call from a Lieutenant from Fish and  
20 Game who said, "I got some dumping problems. Can you help  
21 us?" And I said, I'll get back to you this afternoon or  
22 maybe next week to let you know. This allows for -- now  
23 the cameras we're talking about and what we're looking  
24 at -- I'll talk a little bit about that. But we've really  
25 stepped up what we want to use. Before we were kind of

1 single focused stationary things. We're now looking at  
2 things that are motion activated, remote control viewing,  
3 extended digital recordings up to many, many hours of  
4 suspected illegal sites, both nighttime and daytime, can  
5 zero in and focus on license plates, facial -- clear  
6 facial appearances, things like that.

7           And one of the benefits that's going to be here  
8 is that, if needed, an inspector can sit in their cubical  
9 and adjust the camera. They can zoom it. They can pan  
10 it, and they can tilt it to wherever they want to go.  
11 They don't have to go into the field if it's a 100-mile  
12 trip outside. They can adjust it from their cubical at  
13 6:00 in the morning, review what was taken last night and  
14 adjust that accordingly, and download that data over the  
15 Internet or through a wi-fi situation. Or if it's a  
16 really hazardous situation we need somebody to be close,  
17 they can sit in a van a quarter mile away while they're  
18 viewing it. There's some options for us here. It's state  
19 of the art.

20                   We checked with CHP. We worked with Caltrans on  
21 some of this. And Caltrans is using this, and they just  
22 installed a boat load of these, 280 of those cameras, in  
23 the Bay Area. That's part of the system they use for  
24 controlling traffic.

25 --o0o--

1           MR. PETKER: Surveillance services. Here's what  
2 we're kind of hoping will come out of this. ARB will  
3 purchase surveillance and support equipment with our  
4 approval. ARB will store and maintain this equipment for  
5 us. They will work with the contract manager and staff to  
6 plan requested surveillance activities. In other words,  
7 we'll come to them saying we need this. We've also  
8 included in there pretty strict time lines as to whether  
9 or not they need to get back to us to tell us if they can  
10 do it.

11           For instance, if I get a request from staff, I  
12 call the ARB and I give them like three days. This is  
13 where we want to go. This is what we want to do. Within  
14 a few days, they need to get back to me and say we can do  
15 that or not. They need to check their schedule. They  
16 have things they need to do, so it needs to be  
17 coordinated. And needs to be set up within a week to get  
18 this going.

19           I talked to the ARB about that, and they  
20 understand the importance of it and how serious we are  
21 about those time lines. I've been assured they will step  
22 up and do it as fast as they can if possible.

23           And one introduction I forgot to make, speaking  
24 of the ARB, darrell Hawkin is here for questions if you  
25 have it. He is with the ARB. He's actually one of the

1 inspectors that will be helping us in the field. Kind of  
2 like my counterpart at the ARB that I'll run our requests  
3 through. And he's here to answer any questions you have  
4 also.

5           And then all the stuff we're going to gain by  
6 this we can use in training down the line. ARB has agreed  
7 to train our staff. So as we do these and he sets them up  
8 or they set them up in the field, we can have staff there  
9 to learn how this process is done. And then maybe if they  
10 can't make it, we can do it once we're up to speed. So if  
11 they can't do it in our time frame, our staff can get that  
12 if it works out for management purposes.

13                               --o0o--

14           MR. PETKER: Surveillance equipment and  
15 placement. Placement and the type of equipment depends on  
16 the needs that are going to be out there. We might put  
17 them on poles, in power box boxes, in vehicles, other  
18 configurations depending on the site-specific needs or the  
19 needs of that case.

20           It can either be covert or overt. And again, it  
21 can be used to confirm illegal activities or demonstrate  
22 compliance. It can be used to take a single snapshot or a  
23 series of snapshots motion activated or timed sensitive or  
24 video surveillance up to numerous hours. It's motion  
25 activated.

1           And real quick, if the camera is set -- one of  
2 the cameras we're looking at I'll show you in a minute is  
3 basically the same camera that sits up there. It's very  
4 nice. It tilts. It pans. It zooms night and day. It's  
5 not that expensive in consideration of what I thought it  
6 would be. It's not cheap, but it's not that expensive.  
7 And we can download. If we have it on a range wide or  
8 narrow and there's motion, it will remember what was 15  
9 seconds before it. We'll get no action, then all the  
10 action. When the action stops, it will shut off. So  
11 we're not wasting time or energy. So we don't have a  
12 staff that has to sit through 200 hours of recording to  
13 find ten minutes of interest. Everything in there will be  
14 around some kind of movement.

15                               --o0o--

16           MR. PETKER: How it will work. CHP will own all  
17 the equipment purchased under this agreement. We will  
18 have priority use of the equipment purchased under the  
19 agreement. In other words, if we want to use the  
20 equipment, we have first rights on it. If we're not using  
21 it, somebody else would like to use it, ARB will contact  
22 us and say, "Do you have a need for this?" Toxics may  
23 want to use it for two weeks. They would come to us. I  
24 would check with staff and if it doesn't look like there's  
25 any need for it, we would say sure. Feel free to use it

1 for that period of two weeks so it's not just sitting  
2 there and collecting dust. But we'll have first right of  
3 refusal for the use of the equipment.

4 We will closely monitor the responses that we get  
5 and kind of look at how it's being used also and then kind  
6 of review it as we go.

7 The ARB will take classes as necessary and train  
8 our people in the preparation, site evaluation, operation,  
9 and retrieval of the equipment. We talked briefly about  
10 that. So they're not only going to be doing it for us,  
11 but we'll be piggybacking and learning as we go off of  
12 this. This is a new thing we're adding to this contract  
13 to make sure that our people are getting a little bit  
14 better on this.

15 Internal process.

16 --o0o--

17 MR. PETKER: Surveillance needs will be  
18 determined by us and enforcement personnel in line with  
19 management and the legal staff, because a lot of this  
20 stuff centers around legal issues.

21 We'll be contacting ARB through the contract  
22 manager, in this case me, to request where this is going  
23 to be.

24 Then the ARB will work with field staff to get it  
25 set up once the approval process is done. We'll all work

1 together to get that done.

2 Local or enforcement agencies or us, the CIWMB,  
3 will then collect the information. We're not going to  
4 hold the ARB responsible for collecting the information.  
5 We'll take that. And then they will download the  
6 equipment, bring it back in, store it, and then maintain  
7 it for us. The equipment we're going to get will vary.

8 --o0o--

9 MR. PETKER: Let me go to major tasks first, then  
10 I will discuss equipment. Major tasks will be to  
11 determine our equipment needs. We've looked at some of  
12 that and I've got a couple things here for you. Decide on  
13 the equipment to be purchased. All this will be done  
14 together in conjunction with management. We'll purchase  
15 equipment and do a cooperative plan to implement those  
16 surveillance activities. And those will be on a case by  
17 case and site by site deal.

18 I expect some of this stuff will be used to  
19 support the border also. When we find areas that are of  
20 interest, we have resources and people and money and time  
21 intensive, so if we can find a place we can do it and do  
22 it safely, we can do that. And you know, maybe nighttime  
23 recording of border crossings or other things like that.

24 They will provide us training, give us quarterly  
25 reports on equipment usage and maintenance so we have an

1 ongoing status of what we have. And at the end, they will  
2 deliver a final report to tell us an overall picture of,  
3 this is how it was. This is what we did. This is the  
4 equipment that was available, what happened to it, and  
5 recommendations of what we might do in the future as far  
6 as training equipment, things like that.

7 --o0o--

8 MR. PETKER: Equipment specifications real quick.  
9 These are the things I won't go over because I've talked  
10 about most of them. But I would like to highlight the  
11 remote access capabilities we're going to look at. And  
12 we're looking at up-to-date equipment. So we're talking  
13 to other organizations as to what they're using. So this  
14 time, we've got equipment that is -- people should be  
15 coming to us to learn about.

16 --o0o--

17 MR. PETKER: Here's a couple examples of  
18 equipment that might be used. On the left is something  
19 being used in several areas in California. It is  
20 basically take a snap shot pictures. What's interesting  
21 about that, it's very visible. That can be your  
22 proactive. It's up there. It's got a motion censor that  
23 will take pictures, set off a flash. Or it even has a  
24 voice things that says, "Get out of here. You're being  
25 watched." We can use it that way too, or it can be



1 camouflaged or hidden in some kind of fake rock or  
2 something too, depending how we want to do it.

3           The one on the right is the one that Caltrans is  
4 using right now everywhere. It can be made to be  
5 weatherproof so it can sit outside. It can sit in a  
6 truck, in a van with dark windows. It's road access so  
7 eventually we can come back. You can sit right here and  
8 easily control it. Make it zoom. It can be put on a  
9 pole. It can be put in a power box. There's a lot of  
10 things we can do. All digital, all date and time stamped,  
11 and it can't be messed with so they're applicable for  
12 court.

13                               --oOo--

14           MR. PETKER: Additional information. Again, I  
15 think I've addressed most of these, but we've been working  
16 with Caltrans, CHP, and private companies to look at what  
17 equipment is available out there. We'll continue to do  
18 that before we purchase, if you see fit to do that.

19           We'll continue to look at our needs assessments.

20           And third bullet is CIWMB may consider providing  
21 some or all equipment purchased under this agreement to  
22 the ARB with the understanding that CIWMB has access  
23 rights.

24           And then there are several local jurisdictions  
25 who are encouraging to do this. Madera, Fresno are

1 already purchasing some of these things on their own and  
2 doing some of this and have had some successes with it.

3 --o0o--

4 MR. PETKER: So recommendation, again approve the  
5 Resolution 2006-79 and the proposed scope of work and  
6 agreement. You can read it. I can stop now. I've been  
7 rambling for a while.

8 CHAIRPERSON BROWN: Thank you, Darryl.

9 MR. PETKER: Again, Darrell Hawkins is here, and  
10 we're available for questions if you like.

11 CHAIRPERSON BROWN: Thank you. I think we do  
12 have questions. Do you have questions?

13 BOARD MEMBER WIGGINS: Well, my question is so  
14 ARB is putting money into the work that they're doing.  
15 We're putting in 150,000 over two years. And I assume we  
16 don't talk about what they're putting into their program.

17 MR. PETKER: A lot of what they do -- and we have  
18 used some of the -- correct me, Darrell. We've used some  
19 of your equipment in the past on some of this stuff?

20 MR. HAWKINS: Oh, yes.

21 MR. PETKER: We've used some of their equipment  
22 they purchased under theirs in conjunction with some of  
23 the stuff they've done for us. But most of ours is for  
24 equipment purchase. Actually all of the funds is for  
25 equipment purchase. There has been no discussion about

1 paying for their staff time or benefits. That, they  
2 volunteered.

3 CHAIRPERSON BROWN: When we had the agreement to  
4 use their equipment, was there a contract for that or just  
5 professional courtesy?

6 MR. PETKER: I wasn't involved in the first one.  
7 I believe we purchased equipment, but I believe it was  
8 professional courtesy on the use of your equipment. Why  
9 don't you come on up here with me?

10 MR. HAWKINS: I'm Darryl Hawkins with the Air  
11 Resources Board.

12 CHAIRPERSON BROWN: Thank you, Darrell, for  
13 coming.

14 MR. HAWKINS: And I started doing remote video  
15 surveillance of environmental crimes in 1993. The Air  
16 Resources Board found it as a way to contribute to  
17 environmental enforcement which didn't always get the  
18 respect it wanted or needed. And it's been a contribution  
19 to the Cal/EPA Environmental Enforcement Task Force.

20 So we've been doing work with the Waste  
21 Management Board I believe in '95 or '96 in Westley and  
22 Tracy, and then a few other projects with different LEAs  
23 and throughout the state since then. But it's always been  
24 as a contribution to the environmental enforcement  
25 concept. But we have never -- recently, we did have a

1 contract with you. But we've done it long before then.

2 CHAIRPERSON BROWN: Thank you.

3 Rosalie.

4 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

5 You're saying that you provided services. We purchased  
6 the equipment and you provided services. So do you have  
7 any idea of what the amount of your contribution is?

8 MR. HAWKINS: You're buying the equipment so that  
9 we can install it for you and try to gain evidence and  
10 identify who these dumpers are.

11 My part in this is that I enjoy the work, and I'm  
12 trying to find ways to help. And that's always been my  
13 philosophy through the whole time. But there's no real --

14 MR. PETKER: Maybe if I can interject here. I  
15 think what we're trying to get at is when we make a  
16 request of you, what does it take from you to do this? In  
17 other words, we give you a request to set this up, does it  
18 take a couple days to set up the work? Maybe go through  
19 what you do for us.

20 COMMITTEE MEMBER MULÉ: What I'm asking is what  
21 is the amount, the dollar amount of the contribution?  
22 Like if we're going to put in 150,000 for this to purchase  
23 the equipment and you're saying you're doing your part,  
24 what is the amount? I mean, yes, it's staff time. So is  
25 it 100,000 a year? Is it 200,000 a year? What is the

1 amount of ARB's contribution to this project? That's what  
2 I'm asking.

3 WASTE TIRE DIVISION SUPERVISOR DELMAGE:

4 Committee Member Mulé, Mitch Delmage again.

5 That will be determined by how many times we  
6 request them to place the equipment, basically. What  
7 happens is we will purchase the equipment. It will be  
8 150,000 over the course of the next year. And we can  
9 actually extend it the following year without adding any  
10 money. So for two years of service, every time we ask  
11 them to go out and they're available to go out, we'll be  
12 getting their staff time. Now at the end of the contract,  
13 we would be able to tell you that -- there are how many  
14 people in your staff? Three?

15 MR. HAWKINS: We have two technicians for  
16 installation.

17 WASTE TIRE DIVISION SUPERVISOR DELMAGE: And then  
18 you have a manager?

19 MR. HAWKINS: And a manager.

20 WASTE TIRE DIVISION SUPERVISOR DELMAGE: So there  
21 would be three staff people that portions of their time --  
22 we don't know at this time how much. But, you know, could  
23 be a tenth of their time for the year or a quarter of  
24 their time.

25 CHAIRPERSON BROWN: Okay. The question is

1 historically then, in using this program over the last  
2 two years with the old technology, how much have we  
3 utilized ARB's staff?

4 MR. PETKER: We've done about a little less than  
5 30 projects for you, I believe. And I would say you have  
6 the majority of our projects right now. There are a lot  
7 of dumping projects. There's a lot of opportunities to  
8 put equipment out out there. We tend to move it around,  
9 because things -- we're always chasing where people are  
10 dumping right then. The equipment wears out quickly,  
11 because we put it out into hot -- we put it in a box  
12 basically in high temperatures, dust, condensation. So it  
13 wears out quickly. We've dedicated quite a bit of --

14 COMMITTEE MEMBER MULÉ: What's your hourly rate?  
15 Let me ask it that way. What's your hourly rate? You  
16 know, basically I'm asking if you go out one time or you  
17 go out 30 times, what is it are you contributing to in  
18 terms of fiscally, dollar amount wise, where are you  
19 contributing? Ball park estimate.

20 MR. HAWKINS: I would say over half of my time is  
21 spent with Integrated Waste Management Board projects. My  
22 salary is \$75,000 a year.

23 COMMITTEE MEMBER MULÉ: You don't have to -- give  
24 me a ballpark.

25 MR. HAWKINS: It's public record I guess. But I

1 would say probably \$100,000 a year.

2 CHAIRPERSON BROWN: You spend more of your time  
3 on our stuff than ARB?

4 MR. HAWKINS: Yes. Oh, absolutely. Because you  
5 have so many projects right now, and you've made purchases  
6 of equipment. We put you at a very high priority, and  
7 you've got very challenging projects. It's difficult to  
8 find people at night.

9 CHAIRPERSON BROWN: I think you're right. I  
10 think -- well, for myself I think it's a great program. I  
11 think that a lot of us believe that we want to train and  
12 become the experts. So my interest in this contract is  
13 the section that discusses the disposition of equipment at  
14 the end of the contract. And if our intention is to  
15 become the experts and do what you do rather than tapping  
16 ARB all the time, what is the disposition of the equipment  
17 at the end? Because it does say in task nine that that  
18 remains to be discussed at the end of the contract.

19 WASTE TIRE DIVISION SUPERVISOR DELMAGE: And that  
20 is exactly why we have that language in there, so it can  
21 be at the pleasure of the Board. If at the end of the  
22 contract they feel that this system has worked well and  
23 that we do have some of our people trained and it would be  
24 appropriate for us to have some of the equipment and also  
25 for the Air Board to have some of the equipment, that will

1 be totally your discretion. And that's exactly why we  
2 left it open in the contract.

3 CHAIRPERSON BROWN: So the Air Board can come to  
4 us for expertise then.

5 WASTE TIRE DIVISION SUPERVISOR DELMAGE: That's  
6 correct.

7 COMMITTEE MEMBER MULÉ: So eventually we could  
8 take over this program ourselves.

9 WASTE TIRE DIVISION SUPERVISOR DELMAGE: That's  
10 our intent.

11 COMMITTEE MEMBER MULÉ: That wasn't clearly  
12 stated in here.

13 WASTE TIRE DIVISION SUPERVISOR DELMAGE: I  
14 apologize for that. When we mentioned that they were  
15 training us, that was what we were alluding to.

16 DEPUTY DIRECTOR LEE: Madam Chair, if I might,  
17 just for another point of clarification.

18 I think certainly we're going to seriously  
19 consider this idea of why taking over the responsibility  
20 down the line. With that said, we have to look at our  
21 other personnel needs, you know, in the program.

22 Madam Chair, I know you're familiar with the  
23 Governor's Office and how the Department of Finance works.  
24 You can ask them for something. You're not necessarily  
25 going to get it. Right now, we're already wrestling with



1 what staff considers some serious deficiencies with regard  
2 to our overall efficiency personnel. Right now, we found  
3 not only in this area but in other areas it's been much  
4 easier to facilitate a contract, in this case another  
5 sister agency that's got the expertise, as opposed to  
6 developing it or continuing it, you know, expertise in  
7 house. So, again, I would hope the Board remained  
8 flexible with this idea about whether we need to assume  
9 that responsibility down the road.

10 CHAIRPERSON BROWN: Thank you, Jim.

11 And I do agree, where we don't need the services  
12 full time, and it's better to utilize pooled resources, I  
13 agree. And I think the only point was that we do remain  
14 in the decision making position at the end of the contract  
15 whether it's better to, you know, share the agreement and  
16 continue the services or whether it's better to take it in  
17 house.

18 So let Member Petersen ask a question and then  
19 we'll --

20 COMMITTEE MEMBER PETERSEN: Thank you, Madam  
21 Chair.

22 Darryl, whether we get the -- first Darryl.  
23 Darryl one. When we get this all put together, the  
24 equipment you're working on and your coordination, the  
25 satellite stuff, the surveillance equipment, are you

1 going -- will the types of processes and systems designs  
2 be available to the Mexico government especially to the  
3 state of Baja? Will we share this?

4 MR. PETKER: If that's legal -- and I'll check  
5 with -- if we can, our intent is to make all of these  
6 things, CHP, the satellite, the ARB if you approve it, all  
7 of those will be assessable for the border study. I don't  
8 think we're sending the CHP over the border, but the  
9 satellite or cameras.

10 COMMITTEE MEMBER PETERSEN: Here's what we used.

11 MR. PETKER: That's the intent. It's integrated  
12 from the get-go. They don't stand alone. They're a piece  
13 of a bigger pie.

14 COMMITTEE MEMBER PETERSEN: Good. Okay.

15 CHAIRPERSON BROWN: Do we have any other  
16 questions from Board members? Darryl.

17 MR. PETKER: One thing I didn't say that I wanted  
18 is when we purchase this, it isn't going to be all up  
19 front. Let's start and see. Get a couple of the cameras  
20 and work on them and make sure they work for us and keep  
21 looking for new technologies as we go. So it will unfold.  
22 So it's a continuing process on this.

23 CHAIRPERSON BROWN: Okay.

24 MR. PETKER: We watch these dollars pretty tight  
25 too.

1 CHAIRPERSON BROWN: Thank you, Darryl. We  
2 appreciate it.

3 And thank you, Darrell, for coming. We  
4 appreciate you coming here and working on the project for  
5 us. We certainly appreciate the interagency agreement.  
6 So thank you.

7 Can I have a motion?

8 COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to  
9 move Resolution 2006-79.

10 CHAIRPERSON BROWN: Can I have a second?

11 COMMITTEE MEMBER PETERSEN: I'll second.

12 CHAIRPERSON BROWN: We have a motion by Member  
13 Mulé and a second by Member Petersen. Call the roll.

14 SECRETARY HARRIS: Mulé?

15 COMMITTEE MEMBER MULÉ: Aye.

16 SECRETARY HARRIS: Petersen?

17 COMMITTEE MEMBER PETERSEN: Aye.

18 SECRETARY HARRIS: Brown?

19 CHAIRPERSON BROWN: Aye.

20 We'll move that to fiscal consent, and we'll move  
21 to Committee Agenda G, Board Item 6.

22 DEPUTY DIRECTOR LEE: Committee Item G, Board  
23 Item 6, is Consideration of Grant Awards for the Local  
24 Government Waste Tire Cleanup and Amnesty Event Grant  
25 Program.

1           Pursuant to Board direction received during the  
2 last Five-Year Plan revision, these two grant programs  
3 were effectively combined for administrative efficiency.  
4 Applicants could apply at one time for one or both of the  
5 grant programs. The Board also doubled the funds  
6 available for this program. You know, that was kind of  
7 the good news. Unfortunately, enough qualified applicant  
8 requests have not come forward to utilize all of the  
9 increased funds which had been made available. We'll look  
10 to see what we can do to do better or differently next  
11 year to improve on that situation.

12           With that, I'd like to turn it over to staff  
13 member Diane Norstrom to make the remainder of the staff  
14 presentation.

15           (Thereupon an overhead presentation was  
16 presented as follows.)

17           MS. NORDSTROM: Good morning, Madam Chair and  
18 members of the Special Waste Committee. I'm Diane  
19 Nordstrom with the Special Waste Division.

20                               --o0o--

21           MS. NORDSTROM: In prior years, Board staff  
22 managed two separate grant programs. One was the Local  
23 Government Waste Tire Cleanup Grant Program which provided  
24 funding to local governments for the removal, transport,  
25 end use, or disposal of waste tires from tire stockpiles

1 or nuisance dumpings in their communities statewide. The  
2 second was the Amnesty Day Event Grant Program which  
3 provided funding to local governments for collection  
4 events which allows citizens to bring waste tires to  
5 convenient locations for proper management. Board staff  
6 proposed these two grant programs be combined into one  
7 grant application process to streamline the grant award  
8 process which the Board approved at the October 2005 Board  
9 meeting.

10 --o0o--

11 MS. NORDSTROM: In the current Five-Year Plan for  
12 the tire program, the Board has allocated \$1 million for  
13 Waste Tire Cleanup Programs and \$1 million for Amnesty  
14 Events, for a combined total of \$2 million. For this  
15 grant cycle --

16 --o0o--

17 MS. NORDSTROM: -- the staff received 40  
18 applications. Of these 40 applications, two were  
19 disqualified because the applications were incomplete and  
20 a third application was withdrawn by the applicant.

21 The remaining 37 applications were reviewed and  
22 ranked using the ranking criteria that was approved by the  
23 Board at the October 2005 Board meeting.

24 Seventeen applicants applied for just Waste Tire  
25 Amnesty Event funding. Six applicants applied for just

1 waste tire cleanup funding. And 14 applicants applied for  
2 both funding.

3 The total amount recommended for funding of this  
4 grant program is \$1,586,923 with 778,044 funding Waste  
5 Tire Cleanup Project and \$808,879 funding Waste Tire  
6 Amnesty Events.

7 The Board was provided a handout with project  
8 descriptions for each applicant. The cost per tire varies  
9 due to the number of tires to be removed, the location of  
10 tires, the final end use, and the amount of labor required  
11 to remove the tires.

12 --o0o--

13 MS. NORDSTROM: Two of the applicants are  
14 proposing to remove more than 500 tires from private  
15 property which falls under the requirements of the cost  
16 recovery policy that was approved by the Board at the May  
17 2003 Board meeting. This policy requires property owners  
18 with more than 500 tires to sign an affidavit under  
19 penalty of perjury that they were not responsible for  
20 illegal disposal of tires on their property. If it is  
21 determined they are responsible, then the Board may pursue  
22 cost recovery.

23 Tehama County has submitted the affidavit that  
24 states the tires were a preexisting condition when the  
25 property owner purchased the property in 1987.

1           San Bernardino County is proposing to remove  
2   tires from a private property that is owned by the  
3   Alcoholic Treatment Center. It has been determined by  
4   Board staff that the tires are a spill-over from an  
5   adjacent property owner which has been served with a  
6   Cleanup and Abatement Order. In order to remove all the  
7   tires at once, staff has allowed the applicant to increase  
8   the amount of their funding request in order to remove all  
9   the tires at once.

10           Board staff is recommending the cost recovery be  
11   pursued from the responsible party owner, because she's  
12   not responded to our enforcement efforts.

13                               --o0o--

14           MS. NORDSTROM: Staff recommends adoption of  
15   2006-80 to approve the award of \$1,586,923 to the  
16   applicants of the Local Government Waste Tire Cleanup and  
17   Amnesty Event Grant Program for fiscal year 2005-2006.

18           This concludes my presentation.

19           CHAIRPERSON BROWN: Thank you, Diane.

20           We have one speaker. I will call the speaker  
21   first and then take questions from the Board.

22           Alan Abbs, please, from Tehama County Sanitary  
23   Landfill.

24           MR. ABBS: Good morning, Madam Chair and members  
25   of the Board. My name is Alan Abbs. I'm the Solid Waste

1 Director for Tehama County. I'm also representing the  
2 Rural Counties Environmental Services JPA, which is an  
3 organization of 22 rural counties with 30 percent of the  
4 land mass in California, but only 4 percent of the  
5 disposed waste.

6 And I'll start out briefly on Tehama County  
7 issues, and I'd like to express my thanks to Ms. Norstrom  
8 for working with Tehama County on getting -- or on  
9 presenting the Genoa Farms tire cleanup for the Board's  
10 approval today. And the Genoa farms site, which is an  
11 olive orchard and also almond orchard, is a paper trail  
12 documenting the tires disposed of there were a preexisting  
13 condition. And we're happy to be able to have the  
14 landfill agency participate in cleaning up this tire site,  
15 which has approximately 4800 very large truck tires and  
16 located next to a seasonal stream. So it will be very  
17 good to finally get this issue taken care of, especially  
18 during these days of West Nile Virus and other problems  
19 associated with waste tires.

20 And on behalf of the Rural Counties, I'd like to  
21 also express thanks for the five other rural counties that  
22 are being proposed today for grant funding, mostly for the  
23 Waste Tire Amnesty Grants: Amador County, Alpine,  
24 Calaveras, Nevada, and Siskiyou. And between those five  
25 counties, I believe they have close to \$130,000 of funding



1 that has been requested for Waste Tire Amnesty Grants or  
2 Cleanup Grants.

3 That's the good news. And I'm happy that Mr. Lee  
4 did suggest that the Tire Grant Division would look at  
5 making some changes to future tire grants. And I would  
6 like to once again put in my request for the Board to  
7 consider in future tire grants the possibility of  
8 reinstating administrative fees as part of the Local  
9 Government Waste Tire Amnesty grants.

10 Several months ago when I appeared here to talk  
11 about the 2005-2006 grant cycle, I did express my concern  
12 that not allowing administrative fees as part of the Local  
13 Government Cleanup Events would suppress participation by  
14 some of the smaller rural counties. And I notice that  
15 only five rural counties aside from Tehama applied for  
16 this grant cycle. In years past, when the ESJPA had  
17 managed grants on behalf of some of these smaller rural  
18 counties, they could get five or six counties under one  
19 grant alone with additional counties coming in by  
20 themselves. And so I do think not allowing administrative  
21 expenses has somewhat suppressed participation by rural  
22 counties.

23 And just on that subject, just going over the  
24 economics of it, when you have a small unincorporated  
25 county that's doing a tire event, a lot of times what

1 happens is you have to do these events in very remote  
2 locations. You have to serve populations that don't have  
3 a very large center of mass in terms of population. You  
4 have to do several satellite events.

5           You get tires at these events. There's not a  
6 whole lot of tires, but just staffing the event does take  
7 manpower. It does take advertising and public outreach.  
8 And there's diminishing marginal returns with these smaller  
9 events. So it's very important when you're talking about  
10 a small rural county that has limited funding as it is.  
11 It's very important for them to recoup some of their  
12 administrative costs as a way to get them to go for these  
13 grants.

14           And I note that in Tehama County's grant  
15 application, we have offered up \$8,000-plus worth of  
16 administrative expenses to host our Local Government Waste  
17 Tire Amnesty Grants, and that's just to get \$23,000 of  
18 funding. We're actually a pretty large rural county  
19 compared to some of these. And yet, we're spending an  
20 additional 25 percent of grant funds just on  
21 administrative costs. And as the counties get smaller and  
22 the amount of tires they collect under these programs get  
23 smaller, that percentage actually goes up. And so if the  
24 Board in the future would take that into consideration,  
25 the rural counties would appreciate that. Thanks.

1           CHAIRPERSON BROWN: Mr. Abbs, thank you very  
2 much. I appreciate your comments. Do we have any  
3 questions from Board members regarding this item?

4           BOARD MEMBER PEACE: So this is the first year we  
5 combined the two, the Cleanup and Amnesty. Did we find  
6 that worked out pretty well?

7           MS. NORDSTROM: We had 14 applicants that  
8 actually did one application for both. So we feel it's  
9 effective.

10          BOARD MEMBER PEACE: Also can you explain on page  
11 6-3 where it says, "for proposed project sites with 500 to  
12 4,999 waste tires where the owner has signed a  
13 declaration, enforcement and cost recovery will not be  
14 pursued under the follow circumstances. Number one" -- so  
15 does that mean that if somebody's in a remote area where  
16 remediation is impractical or infeasible, there's no  
17 enforcement or no cleanup? Can you explain what number  
18 one means?

19          STAFF COUNSEL BRECKON: This is Wendy Breckon,  
20 Senior Staff Counsel for the Waste Board.

21          Basically, in I believe it was July 2003, the  
22 Board came up with its cost recovery policy for recovering  
23 the costs of clean up on these sites for this grant  
24 program. And the paragraph cited illegal issues is  
25 basically a reiteration of the Resolution of the Board's

1 policy.

2 And so in regards to your question about enforcement,  
3 enforcement is usually a separate road. We first see if  
4 we should enforce against the site. And oftentimes we do  
5 enforce. And then the tires still aren't cleaned up  
6 perhaps. And then we'll refer -- the inspectors will  
7 refer the project to Bob Fujii's group for cleanup. And  
8 Diane Norstrom will work with the County to see if they  
9 want to apply for a Cleanup Grant. And if not, then  
10 oftentimes Bob's group will end up remediating the tires  
11 with our own Board remediation programs.

12           So with regard to number one, paragraph one,  
13 where there's less than 5,000 tires in a remote area and  
14 if -- so this cost recovery policy arose because the  
15 statute says that if we clean up a site -- if the Board is  
16 going to clean up a site, that you need to recover the  
17 costs, if feasible. And so we had a bunch of little tire  
18 piles everywhere, and Bob's group for one reason or  
19 another was prohibited from cleaning up the smaller tire  
20 sites because maybe the owners couldn't be found or maybe  
21 there was multiple overlapping properties or for some of  
22 these areas they clean up the public right of ways you  
23 have tires spilling over, I guess, on private property.  
24 And so he wasn't able to clean up a number of these sites  
25 because it wouldn't have been feasible perhaps, or maybe,

1 you know, it could be argued it was feasible but it was  
2 really cost prohibitive to collect the cost.

3 So the Board came up with a policy where, you  
4 know, for remote areas, for example, of small piles of  
5 tires that you could just waive cost recovery basically  
6 and clean up the tires. So that the overall goal of  
7 compliance of getting the tires cleaned up is met. I  
8 don't know if that answers your question.

9 BOARD MEMBER PEACE: I'm still not understanding  
10 number one. But if I'm the only one that doesn't  
11 understand this, maybe you can explain it to me later.

12 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Board  
13 Member Peace, if I might add.

14 Basically I think maybe summarize what Wendy  
15 said. When we have a situation like that where we're  
16 going -- you know, the tires are cleaned up and it's not  
17 clear who the property owner is, you know, many different  
18 properties, it costs us more money to seek cost recovery.

19 BOARD MEMBER PEACE: Right.

20 WASTE TIRE DIVISION SUPERVISOR DELMAGE: If  
21 that's the case, we shouldn't seek cost recovery. That's  
22 what the Board decided. It didn't make fiscal sense  
23 basically.

24 BOARD MEMBER PEACE: Okay. I guess I'm not  
25 reading it right. Sounded to me there could be a remote

1 site that had 4,000, almost 5,000 tires, but because it  
2 was impractical for us to clean them up or infeasible  
3 because it was remote, we wouldn't do any enforcement and  
4 we wouldn't clean it up. I guess I'm just not reading it  
5 right. That's okay.

6 STAFF COUNSEL BRECKON: No. In general, if it's  
7 a remote area, we have done a lot of enforcement in remote  
8 areas where it's clear who the property owner is. And  
9 either they cooperate because we're imposing penalties and  
10 we do a stipulation and they clean it up, or we impose the  
11 penalties and then they clean it up afterwards. But where  
12 enforcement fails -- where enforcement fails, or it's not  
13 possible to enforce because, for example, maybe the  
14 property owner dies and the State hasn't gone into  
15 probate, it's in limbo -- I have a number of properties  
16 I've worked on where it's not clear who the owner is.

17 BOARD MEMBER PEACE: This says in sites where the  
18 owner has signed a declaration. So you know who it is.  
19 Enforcement and cost recovery will not be pursued if the  
20 property is in a remote area and the Board -- so it makes  
21 it kind of sound like you know who the owner is and he has  
22 5,000 tires, but we're not going to clean it up and we're  
23 not going to do any enforcement because it's going to be  
24 hard for us to get to.

25 WASTE TIRE DIVISION SUPERVISOR DELMAGE: We would

1 clean it up, but we wouldn't seek cost recovery for the  
2 cleanup. So it would get cleaned up. But if the  
3 declaration is made by the owner that they didn't know how  
4 it got there --

5 CHAIRPERSON BROWN: Thank you, Mitch.  
6 Mark.

7 EXECUTIVE DIRECTOR LEARY: Madam Chair, may I  
8 suggest that we absolutely ensure this language is  
9 consistent with the policy the Board adopted back in 2002.  
10 It occurs to me there might be a typo in here, because I  
11 can see Member Peace's point that --

12 CHAIRPERSON BROWN: It's very confusing. It does  
13 not say what you say it says. So let's just re-look at  
14 the language and make sure that it reflects what you're  
15 saying. Because I think that our understanding is what  
16 you're saying.

17 EXECUTIVE DIRECTOR LEARY: Since it will be -- if  
18 the Board does, in fact, concur with the Resolution, this  
19 will be on fiscal consent. So there will be an  
20 opportunity to clarify at the Board meeting, because we'll  
21 be bringing it back up at the Board meeting.

22 CHAIRPERSON BROWN: Thank you, Mark.

23 And thank you, Member Peace, for bringing that to  
24 our attention.

25 BOARD MEMBER PEACE: I was going to say, you did

1 mention that some of the costs, you know, clean up per  
2 tire are quite a bit more in some areas. But it seems to  
3 me there was quite a few of these right-of-ways or alleys  
4 and the cost differential was really big in terms of cost  
5 per tire.

6 MS. NORDSTROM: Some of them are able to utilize  
7 community cleanup projects and free labor basically. So  
8 that will make the costs.

9 BOARD MEMBER PEACE: Do we encourage them to do  
10 that?

11 MS. NORDSTROM: We want it as cost effective as  
12 possible.

13 CHAIRPERSON BROWN: Member Mulé.

14 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

15 I have a question. I'm looking here at Riverside  
16 County, and it says Amnesty Event amount recommended  
17 \$25,000. And then I look on the next page, page 7, and it  
18 says Shasta County, they're getting \$75,000 for three  
19 Amnesty Events. And I thought the maximum amount  
20 available per jurisdiction is \$25,000.

21 MS. NORDSTROM: I left that out in error. Shasta  
22 County is a regional program. They're incorporating a  
23 couple of the cities also, where Riverside did not go in  
24 as a regional program.

25 COMMITTEE MEMBER MULÉ: Thank you for clarifying



1 that. Because then my next question is knowing that  
2 Riverside County is holding ten events, could they have  
3 gone in as a regional agency? They're holding ten  
4 separate events. I don't know that they've realized that.

5 I've worked with the folks in Riverside County,  
6 and I don't know they realize they could have applied for  
7 more money, for more than \$25,000. Because again, even  
8 though it's one county agency, they're holding ten events  
9 throughout the entire county. And knowing the size of  
10 Riverside County -- and again, in many parts, it's a rural  
11 county, and it's a large county. And so again, I'm just  
12 concerned that our jurisdictions don't know the options  
13 available to them.

14 MS. NORDSTROM: It's specified in the  
15 application, but Riverside is a new applicant to that  
16 program. And as part of the process, they actually have  
17 to have letters from the cities or other agencies  
18 authorizing them as a lead agency, and they didn't have  
19 that. So this is something we need to work with them to  
20 get, because they can have more of an award.

21 COMMITTEE MEMBER MULÉ: Again, having worked in  
22 Riverside County and knowing how these programs work in  
23 that county, they could use a lot more than \$25,000.  
24 These events are very popular in Riverside County. And I  
25 mean, I've had city officials and county officials, you

1 know, express to me how important these are to their  
2 jurisdictions. So, you know, I'm disappointed that we  
3 can't offer them more. But again, it sounds like they're  
4 no aware that they can apply for more than \$25,000.

5 So I strongly encourage you, staff, to work with  
6 not only Riverside County, but with all of our counties to  
7 really look at what they're doing. And then again if  
8 possible, if it's appropriate, encourage them to apply for  
9 additional dollars. So that we can do what this money is  
10 designed to do and get these tires properly recycled  
11 instead of illegally disposed. Thank you.

12 CHAIRPERSON BROWN: Thank you, Member Mulé.

13 Any other questions?

14 Can I have a motion?

15 COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to  
16 move Resolution 2006-80.

17 CHAIRPERSON BROWN: Can I have a second?

18 COMMITTEE MEMBER PETERSEN: I'll second.

19 CHAIRPERSON BROWN: It's been moved and seconded.

20 Can you call the roll, Jennine?

21 SECRETARY HARRIS: Mulé?

22 COMMITTEE MEMBER MULÉ: Aye.

23 SECRETARY HARRIS: Petersen?

24 COMMITTEE MEMBER PETERSEN: Aye.

25 SECRETARY HARRIS: Brown?

1 CHAIRPERSON BROWN: Aye.

2 Can we move that to fiscal consent?

3 And seeing the time has now gotten to 12:15,

4 could we take -- we only have three items left. One is a  
5 discussion; right?

6 DEPUTY DIRECTOR LEE: Yes.

7 WASTE TIRE DIVISION SUPERVISOR DELMAGE: They're  
8 all very easy items.

9 CHAIRPERSON BROWN: I'd like to give everybody  
10 the consideration of a five-minute break, and we will  
11 reconvene at about five minutes here.

12 (Thereupon a recess was taken.)

13 CHAIRPERSON BROWN: Could we call this meeting  
14 back to order so we can get Member Petersen to his next  
15 appointment. Can you call the roll and keep it open for  
16 me?

17 SECRETARY HARRIS: Mulé?

18 Petersen?

19 COMMITTEE MEMBER PETERSEN: Aye. Here.

20 SECRETARY HARRIS: Brown?

21 CHAIRPERSON BROWN: Here.

22 And please hold open the roll.

23 Can we move to any ex partes to report at this  
24 time?

25 BOARD MEMBER DANZINGER: I have one. I talked

1 with Terry Leveille regarding Item I, Board Item 8.

2 CHAIRPERSON BROWN: Thank you.

3 Any others?

4 All right. Can we move to Agenda Item H, Board  
5 Item 7, is that where we are?

6 DEPUTY DIRECTOR LEE: Yes, Madam Chair.

7 Committee Item H, Board Item 7, Consideration of  
8 Approval for New Sites Under the Waste Tire Stabilization  
9 and Abatement Program. Staff is requesting approval for  
10 Board-managed cleanups of three individual sites. These  
11 sites are one where responsible parties cannot be  
12 identified or unable or unwilling to pay for the cleanup  
13 with a timely remediation, characteristics that  
14 distinguish them from those which are cleaned up utilizing  
15 the Amnesty Day or the Local Government Waste Tire Cleanup  
16 Grant Programs.

17 I'll now ask Bob Fujii to make the remainder of  
18 the staff presentation.

19 (Thereupon an overhead presentation was  
20 presented as follows.)

21 SUPERVISOR FUJII: Thank you, Jim. Good  
22 afternoon, member of the Committee, Madam Chair.

23 Periodically, staff brings before the Board a  
24 list of illegal waste tires site for remediation. This  
25 item proposes the clean up of three sites using our

1 short-term remediation contract.

2 --o0o--

3 SUPERVISOR FUJII: The purpose of this program  
4 basically is to -- typically, what happens is the Waste  
5 Tire Enforcement staff refers waste tire sites to us when  
6 the property owners are unwilling or unable to clean the  
7 tires up. To date, we've cleaned about 60 sites under  
8 this program under numerous contracts we've had over the  
9 past several years.

10 --o0o--

11 SUPERVISOR FUJII: I kind of just went through  
12 this.

13 --o0o--

14 SUPERVISOR FUJII: Proposed sites that we have on  
15 the agenda item, the first one is the Garcia Waste Tire  
16 Site, which is located in the high desert area of eastern  
17 L.A. There are approximately 3,000 tires on the site, and  
18 we estimate the cost to do that project is about \$6,750.

19 The next site is the Gyle Road site located in  
20 rural Tehama County. There are about 1,000 tires on the  
21 site, estimated cost \$2250. The third site is the Redman  
22 Investment Company site which is located in high desert of  
23 southeastern Kern County. I know your item listed it as  
24 L.A. County, but L.A. County. This has an estimated 8,000  
25 tires on it and costs about \$18,000 to clean up.

1 --o0o--

2 SUPERVISOR FUJII: In terms of funding for the  
3 contract, our contract is currently funded at 1,234,000  
4 and some change. Funding required to do these three sites  
5 is about \$27,000, leaving a remaining balance of about 1.2  
6 million. Just to let the Board know, we'll be using the  
7 majority of these funds to clean up the Sonoma waste tire  
8 sites over the next several years.

9 --o0o--

10 SUPERVISOR FUJII: And just to sum up, we are  
11 recommending approval of Resolution Number 2006-81.

12 And that concludes my presentation. Are there  
13 any questions?

14 CHAIRPERSON BROWN: Thank you, Bob.

15 Do we have any questions from Board members? No.

16 Jennine, can you reflect that Member Mulé has  
17 joined us.

18 COMMITTEE MEMBER MULÉ: And I have no ex partes.

19 CHAIRPERSON BROWN: Thank you.

20 And can I have a motion?

21 COMMITTEE MEMBER MULÉ: Madam Chair, I'd like to  
22 move Resolution 2006-81.

23 CHAIRPERSON BROWN: And a second?

24 COMMITTEE MEMBER PETERSEN: I'll second it.

25 CHAIRPERSON BROWN: It's been moved by Member

1 Mulé and seconded by Member Petersen.

2 Jennine, can you call the roll?

3 SECRETARY HARRIS: Mulé?

4 COMMITTEE MEMBER MULÉ: Aye.

5 SECRETARY HARRIS. Petersen?

6 COMMITTEE MEMBER PETERSEN: Aye.

7 SECRETARY HARRIS: Brown?

8 CHAIRPERSON BROWN: Aye.

9 And we'll put that on fiscal consent.

10 Now we move to Agenda Item I, Board Item 8.

11 DEPUTY DIRECTOR LEE: Committee Item I, Board  
12 Item 8 is Consideration of Grant Awards and Allocation  
13 Proposals to be Funded From the Reallocation of Fiscal  
14 Year 2005-2006, Tire Recycling Management Program Fund.

15 This agenda item oft referred to as the May  
16 reallocation presents the Committee with the opportunity  
17 to redirect previously allocated but not unencumbered  
18 funds to new projects or programs.

19 Please note that the amount available for  
20 potential reallocation as indicated on Table 2 may be  
21 increased by up to \$1 million if the Board decides to  
22 follow the precedent in the last two years and utilize the  
23 emergency reserve fund. These emergency reserve funds  
24 could be conditionally reallocated contingent upon no  
25 other emergency situation occurring before June 30th of

1 this year.

2 With regards to the project where staff is  
3 recommending that available funds be utilized, we have a  
4 relatively short list. Staff is recommending that first  
5 priority go to any projects that come forth as part of the  
6 targeted RAC Grant Program in June which are in excess of  
7 the approved allocation for that line item.

8 Secondly, the second priority would be for the B  
9 List of the Tire-Derived Product Program.

10 And finally, staff would recommend that \$50,000  
11 go for the International Asphalt Rubber Conference in  
12 San Diego.

13 WASTE TIRE DIVISION SUPERVISOR DELMAGE: It's in  
14 Palm Springs.

15 DEPUTY DIRECTOR LEE: Correction. The conference  
16 in Palm Springs, I'm told.

17 Finally, I want the Board to note that I prepared  
18 and distributed a memo recently that has some additional  
19 background and historical perspective on the May  
20 reallocation process. The memo is available in the back  
21 of the room for the audience.

22 As we discussed in that memo, there have been  
23 developments in the last few weeks stemming from a  
24 Department of Finance audit and other administrative  
25 considerations that call into question certain practices



1 and protocols that we've historically utilized as part of  
2 the May reallocation. I think these considerations have  
3 been reflected in the agenda item that you have before  
4 you, but I would expect that in future years we may have  
5 to consider some changes in the May reallocation process  
6 to properly reflect those considerations.

7 With that, I'd like to ask Sally French and Mitch  
8 Delmage to make the remainder of the staff presentation.

9 CHAIRPERSON BROWN: Thank you. Quick question  
10 before you start. When did the DOF complete their audit  
11 and evaluation?

12 DEPUTY DIRECTOR LEE: Can I ask Tom Estes?

13 DEPUTY DIRECTOR ESTES: They completed their  
14 audit last month, and actually we're supposed to receive  
15 the written exceptions tomorrow.

16 CHAIRPERSON BROWN: So when did they notify us,  
17 just out of curiosity, of this change -- is it a  
18 recommendation?

19 DEPUTY DIRECTOR ESTES: It's an exception to the  
20 audit. Essentially what's at issue is that you're  
21 supposed to spend dollars that are appropriated in the  
22 year they're appropriated for services. We've honed it  
23 into kind of a fine art of taking it down to the last  
24 minute. And that's what they're calling into question.

25 CHAIRPERSON BROWN: So did they notify us a month

1    ago?   A week ago?

2               DEPUTY DIRECTOR ESTES:   Probably a month ago, six  
3 weeks ago potentially.   I'd have to go back and check.

4               CHAIRPERSON BROWN:   Was it a recommendation for  
5 the current year or directive for the current year?

6               DEPUTY DIRECTOR ESTES:   I think it's a  
7 recommendation.

8               CHAIRPERSON BROWN:   Okay.   Thank you.

9               DEPUTY DIRECTOR ESTES:   We're trying to balance  
10 this as best we can.   But we definitely need to take steps  
11 proactively for next year.

12              CHAIRPERSON BROWN:   Thank you, Tom.   I appreciate  
13 that.

14              Jim, go ahead.   Sally, do you want to start?

15              WASTE TIRE DIVISION SUPERVISOR DELMAGE:  
16 Basically, I just wanted to thank Sally for -- she  
17 keeps --

18              CHAIRPERSON BROWN:   We're going to have to limit  
19 your applause to staff, because you have the entire  
20 meeting here.   Go ahead.   I'm kidding.

21              WASTE TIRE DIVISION SUPERVISOR DELMAGE:   All I'll  
22 saying is she's been pulling out her hair, changing these  
23 numbers.   Be patient, because we're kind of wading through  
24 today to get all the numbers finalized.   And since this  
25 will be on fiscal consent, we'll be talking about it a

1 little bit again, and we'll have all the final numbers for  
2 you then.

3 CHAIRPERSON BROWN: Actually, what I should have  
4 said, if you applaud staff, that precludes us from the  
5 opportunity to do so.

6 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Oh,  
7 excuse me.

8 (Thereupon an overhead presentation was  
9 presented as follows.)

10 MS. FRENCH: This is Consideration of Grant  
11 Awards and Allocation Proposals to be Funded from the  
12 Reallocation of Fiscal Year 2005-2006 Tire Recycling  
13 Management Program Funds.

14 --o0o--

15 MS. FRENCH: The Board approved the Five-Year  
16 Plan in May of 2005 that contained the expenditures for  
17 the fiscal year 2005-2006. Each year, the program has  
18 remaining funds that may be reallocated to remaining  
19 projects. This year, staff solicited stakeholders for  
20 ideas on how these remaining funds might be spent.

21 --o0o--

22 MS. FRENCH: The program has the following fund  
23 available:

24 332,505 from the Tire Enforcement Grants.

25 221,956 from the Tire Cleanup Grants.

1           191,121 from the Amnesty Event Grants.  
2           250,000 from the Life Cycle Assessment.  
3           250,000 from Identified Market demand.  
4           572,000 from the Targeted RAC Incentive Program.  
5 That has been updated since Nate's previous item.  
6           470,000 from Support of Other CIWMB Activities.  
7           200,000 for the RAC Technology Centers.  
8           And 200,000 from our Hauler Program and  
9 Manifesting.

10           These activities total \$2,214,840. In addition,  
11 we have the million dollar reserve which may be available  
12 contingent on no emergencies occurring on or before June  
13 30th, 2006.

14                               --o0o--

15           MS. FRENCH: The Tire Program activities that  
16 have been previously awarded this fiscal year was 400,000  
17 for the long-term remediation Tracy tire fire site. This  
18 was approved at the December 2005 Board meeting. In  
19 addition, 72,742 was awarded to the Kuehl Rubberized  
20 Asphalt Concrete Grant Program for their B List which was  
21 approved at last month's Board meeting.

22                               --o0o--

23           MS. FRENCH: We have two programs that need  
24 funding right now. We have the Tire-Derived Product  
25 Grants which has a B List which is for 2,355,790. And we

1 have the International Asphalt Rubber Conference in Palm  
2 Springs which is for 50,000.

3 --o0o--

4 MS. FRENCH: So with the remaining of 2,214,840  
5 in funds that have not been spent, we'd like to set aside  
6 the 572,000 for the Targeted RAC Incentive Programs since  
7 they have a June award that is still pending. When you  
8 take that out of the equation, that leaves us with  
9 1,642,840, plus your million dollar reserve.

10 --o0o--

11 MS. FRENCH: Staff recommends awarding the  
12 Tire-Derived Product Grants and the International Asphalt  
13 Rubber Conference for a total of 2,405,890 and let the  
14 remaining 236,950 stay in the reserve account for  
15 emergency purposes.

16 --o0o--

17 MS. FRENCH: Does anyone have any questions?

18 CHAIRPERSON BROWN: We do have one speaker.

19 Does staff have questions for -- does any of the  
20 Board members have questions for staff before we call the  
21 speakers?

22 Okay. Terry Leveille.

23 MR. LEVEILLE: Madam Chair and Committee members  
24 and Board members, Terry Leveille of TL & Associates here  
25 on behalf of the Tire Retread Information Bureau.

1           Last year, the Bureau put forth a proposal to  
2 increase the number of retreads in local government fleets  
3 and trucks at this time at the reallocation hearing. And  
4 at that time, Chairman Marin suggested that rather than  
5 make decisions at the last minute like this, they should  
6 have a new process in which stakeholders can submit their  
7 proposals in December -- November or December and that the  
8 Board could take a look at all those proposals to see if  
9 any of them were worthwhile and at that point make  
10 suggestions for possible funding.

11           And of course, the Board staff did a very good  
12 job I thought in soliciting proposals from stakeholders  
13 back in December and received quite a number. You know,  
14 it was close to 20 or so from stakeholders throughout the  
15 state. Some a little bit off. Some of them were right  
16 on. And we were very pleased to see that the Tire Retread  
17 Information Bureau, the same proposal that we submitted  
18 back in May of 2005, was at that point suggested for  
19 funding in February of this year by staff.

20           Now as I recall, it was only a Committee meeting  
21 and it didn't go to the full Board. But never the less,  
22 the assumption was that this proposal, which as I say was  
23 meant to encourage the retreading of tires or immanently  
24 retreaded that are not done so at local government, it's  
25 much more cost effective and just as safe as new tires,

1 follow this up with actual training with local governments  
2 for a proposal that was going to cost around \$95,000.

3 Low and behold, when I happened to look at the  
4 Board's website this weekend, I saw that this proposal had  
5 not only been recommended for not funding, but that the  
6 staff recommended that they gather additional information  
7 on the project for consideration in the Five-Year Plan,  
8 which is going to be -- I think the hearings are going to  
9 take place in September. And of course, getting on the  
10 Five-Year Plan means that if you're lucky you can get  
11 funding in possibly 07-08.

12 And my thinking all along is that we're not  
13 concerned about going out for competitive bid on these  
14 contracts. We're able to move quickly. We could probably  
15 encumber some funds or perform some of the requirements of  
16 this particular project if we were selected as the  
17 contractor before the end of the fiscal year. And I guess  
18 my question to the Committee and ultimately to the Board  
19 would be why not give it a shot? Any questions?

20 CHAIRPERSON BROWN: Thank you, Terry.

21 Board members?

22 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Madam  
23 Chair.

24 BOARD MEMBER DANZINGER: I was going to ask, get  
25 an explanation of what happened between February.

1           WASTE TIRE DIVISION SUPERVISOR DELMAGE: Yes, I  
2 do have a comment. I want to make a personal public  
3 apology to Mr. Leveille and the people from TRIB to Jim  
4 Lee. Because as this item came up about not being able to  
5 encumber funds at the end of the fiscal year, Jim asked me  
6 to give Terry a call, let him know the problems we were  
7 running into. I didn't do it. We got down to the end, I  
8 had forgot. Terry gave me a call after, you know, he saw  
9 our item. And so I told him the situation we were in.

10           I support the project. If there was any possible  
11 way that we can do this before the end of the fiscal year,  
12 I would support it. I just, you know, don't know the  
13 fiscal mechanism that we would be able to use.

14           CHAIRPERSON BROWN: Thank you, Mitch.

15           Given that this is not a contract that would  
16 necessarily go out to bid --

17           STAFF COUNSEL ARMSTRONG: Actually, it would be a  
18 contract that would have to be competitively bid. And as  
19 I understand it, it would also probably not even meet the  
20 requirements of Government Code 19130 which we would have  
21 to clear before we even would put it out for competitive  
22 bid, because we have video capabilities here even within  
23 the Board. We have to first make sure that there are no  
24 civil servants who can perform a job before it can go out  
25 to be competitively bid. So it would have to go through



1 the competitive process anyway.

2 BOARD MEMBER DANZINGER: Can I just ask -- I want  
3 to take a step back. I'm still not clear what happened  
4 between February and now. February, it was a staff  
5 recommendation to fund the project. And now it's not only  
6 not to fund it, but to do more study for consideration in  
7 the Five-Year Plan. I'm just curious what happened in the  
8 interim if there was some re-evaluation of certain aspects  
9 of the project or if there's something with the audit  
10 that's connected to this or what.

11 DEPUTY DIRECTOR LEE: Board Member Danzinger, if  
12 I may. You know, basically as I alluded to in the memo  
13 prepared for the Board, in past years, the Board has  
14 exercised more -- been more flexible on their approach  
15 with this. But some of the protocols, some of the  
16 practices we've historically utilized have come into  
17 question. You know, there is the issue with the DOF  
18 audit. There's legal considerations. And there has  
19 indeed been a Board directive again to consider more of a  
20 competitive grant process.

21 When all of this was weighed in and again with  
22 all this developing in the last, as Tom says, four to six  
23 weeks, it called into question some of the things that we  
24 thought staff would be able to do and propose to the Board  
25 in May. So in the last three months, these additional

1 considerations have come to light and required a different  
2 approach to these types of things.

3 BOARD MEMBER DANZINGER: Is there a reason why a  
4 contract wasn't written up following the February staff  
5 recommendation?

6 CHAIRPERSON BROWN: Given the fact you were  
7 recommending it at that point.

8 WASTE TIRE DIVISION SUPERVISOR DELMAGE: At that  
9 point we never actually went before the Committee. The  
10 item was pulled. No action was made. So we were sent to  
11 May.

12 We thought we would be able to go through the  
13 same type of process that we've done before and be able  
14 to -- our intent was to recommend it. The reason that we  
15 said that we need to further study it is as Holly alluded  
16 to, we need to look at under this new light whether we can  
17 do like we have in the past direct grants. So since we  
18 can't do a direct grant or we may not even be able to go  
19 out to a competitive bid, we have to research the fiscal  
20 mechanism that we can use if we were to pursue it.

21 CHAIRPERSON BROWN: If I understand Holly, if a  
22 direct grant wasn't available, if it isn't available now,  
23 why would it have been available before? Was it available  
24 six weeks ago and it's now not?

25 STAFF COUNSEL ARMSTRONG: No. A direct grant

1 would not have been available.

2 CHAIRPERSON BROWN: So my question back to staff  
3 is that even given the information that DOF is changing  
4 their policy, why didn't we pursue it? Got that answer.  
5 But even at this point, can we go out at this point in a  
6 competitive bid and get the bid completed --

7 DEPUTY DIRECTOR LEE: No.

8 CHAIRPERSON BROWN: -- without this other DOF  
9 consideration taken into account? And if we can't, why  
10 did we take this item from February and continue it to May  
11 instead of knowing this and continuing it and take it up  
12 earlier?

13 DEPUTY DIRECTOR LEE: It was delayed until May  
14 because of the consideration that again we thought we'd  
15 have the flexibility in May to deal with this situation in  
16 the manner I've just described.

17 CHAIRPERSON BROWN: I know. But Holly is saying  
18 it's not. She's saying we never would have been able to  
19 go out to a competitive bid starting now and complete the  
20 contract process before June 30th.

21 DEPUTY DIRECTOR LEE: I certainly don't want to  
22 second guess our legal staff on this. But the  
23 understanding was we had the flexibility, you know, to do  
24 this in May. We've historically done this in May.

25 CHAIRPERSON BROWN: I'm willing to go to DOF to

1 get them to give us some consideration this year, given  
2 that this is an eleventh hour request on their part to  
3 have us change our process. But if we're being told by  
4 legal staff and administrative staff who does the  
5 contracts it's not even possible in the time frame we have  
6 allocated, which is about six to seven weeks before the  
7 end of the fiscal year, we cannot do a competitive bid in  
8 that short amount of time.

9 STAFF COUNSEL ARMSTRONG: It's my understanding  
10 that we can't even -- we can't even meet the requirements  
11 for a competitively bid contract with this because under  
12 Government Code 19130 --

13 CHAIRPERSON BROWN: Explain it. I don't read  
14 Government Code.

15 STAFF COUNSEL ARMSTRONG: Government Code 19130  
16 requires us first to provide the work contract to civil  
17 service employees, which would be another government  
18 agency or a university or something of that nature, if  
19 they possess the skills required to perform the contract.  
20 And it's my understanding that we have those skills even  
21 in-house to perform the contract, to perform the  
22 videotaping and the narration to create this DVD. And so  
23 if the skills already exist within civil service, then we  
24 can't go outside civil service to contract with an outside  
25 entity.

1           BOARD MEMBER DANZINGER: So the February staff  
2 recommendation does not reflect legal's input? Because I  
3 mean, it was still an item that was written up and was  
4 going to be taken up by the Committee and then was pulled,  
5 so it still would have the legal review I imagine  
6 beforehand. Are you saying that -- I mean, again, it was  
7 a recommendation by staff in February, but you're saying  
8 now that even if we rewind to February and we were all in  
9 this room and you were recommending it, you would be still  
10 saying the same thing?

11           STAFF COUNSEL ARMSTRONG: I would be. And I did  
12 review it in February. And to be completely honest, this  
13 was my error.

14           DEPUTY DIRECTOR LEE: If I could add one more  
15 point that I think is important to emphasize. One of the  
16 problems with the early reallocation in January/February,  
17 we have proposals that came forward. Again, if the Board  
18 doesn't approve those, what they're saying is that  
19 particular project is more important than anything else  
20 that might be coming up between now and then.

21           For example, you know, the Board has already  
22 established the targeted RAC, the RAC Programs, and civil  
23 engineering are the Board's highest priority with regards  
24 to this funding. I would hate to have been in a situation  
25 now where we have an excess of targeted RAC Programs that

1 come forward over, you know -- that exceed the line item  
2 and then have to fund this particular project instead of  
3 funding, you know, those targeted RAC programs.

4           So I think it's only a coincidence that this year  
5 we have apparently a very small window of some available  
6 funds that haven't already been spoken for. So again I  
7 think that's important for the Board to understand this  
8 issue with regards to the reallocation.

9           CHAIRPERSON BROWN: I think we understand. I  
10 fully agree with you, and I think the staff -- or the  
11 Board, myself especially, understand that RAC is our  
12 highest priority. But we're looking at funding a B List  
13 of tire-derived products, which when we had this  
14 discussion. My recollection is we're struggling with  
15 whether this is an industry that is becoming  
16 self-sustaining. And we couldn't determine whether it is  
17 or not. And we're looking at other allocation that  
18 possibly could expand knowledge in the marketplace to  
19 promote something that maybe we're not looking at.

20           So I think from my part, I want to look at all  
21 the other options which I've discussed with you on other  
22 options to continue to use tires in multiple areas and not  
23 continue necessarily to keep funding a program that is not  
24 becoming self-sustaining.

25           So where we're looking at a million dollars in

1 our reserves to continue funding the B List down to  
2 multiple millions of dollars of playgrounds and tracks, I  
3 think, you know, \$95,000 to educate jurisdictions on the  
4 usage of retread and the benefits of that is worthwhile.

5 I understand, you know, we've had a few lapses.  
6 I'd like to request that we look at between now and next  
7 week what our options are in doing this. I understand we  
8 have the expertise to do the video. Do we have the  
9 expertise in-house to provide the consulting services to  
10 put the information in the video? Can we look at a  
11 consulting contract and not where we can get the  
12 information to do the video or something? I'd like staff  
13 to maybe look at some alternatives to accomplish the goal  
14 possibly with the 200,000 that we're putting back into --  
15 I mean, I don't know. Are there any comments from the  
16 Board from the dias on alternatives or opinions?

17 Gary.

18 COMMITTEE MEMBER PETERSEN: My question is can we  
19 approve this on a contingency basis? And if we can get  
20 through this thing and then if we're not --

21 CHAIRPERSON BROWN: You can't even go to  
22 contract, because we have to go to State agencies first to  
23 see if this can be done.

24 COMMITTEE MEMBER PETERSEN: I know. But if they  
25 don't want to do it, then we'd have it in the hopper. And

1 then early after fiscal year I guess in July, we could get  
2 it funded early. Can that happen?

3 STAFF COUNSEL ARMSTRONG: Well, it can be done  
4 with 06-07 money. That's not a problem.

5 COMMITTEE MEMBER PETERSEN: But awarded after  
6 July 1st.

7 STAFF COUNSEL ARMSTRONG: Right. After the  
8 budget has passed. That's not a problem.

9 CHAIRPERSON BROWN: Do we know what other State  
10 agencies provide these services if we can get an answer or  
11 denial from them to perform them between now and next  
12 Tuesday? How long do we have to give State agencies to  
13 respond to our request?

14 STAFF COUNSEL ARMSTRONG: You'd have to ask  
15 contracts that. I don't know.

16 CHAIRPERSON BROWN: Typically how long does a  
17 contract period like this take to let?

18 DEPUTY DIRECTOR ESTES: It usually would take a  
19 minimum of being out on the street for about four weeks.

20 CHAIRPERSON BROWN: Just for the State agencies?

21 DEPUTY DIRECTOR ESTES: Just if it were going  
22 through a competitive bid process. However, State  
23 agencies usually respond within a day or two. That's not  
24 a limiting factor.

25 CHAIRPERSON BROWN: I'm confused. Let me go back



1 to my other question. Why can we not do this during this  
2 process because we can consider it in June if we have a  
3 contract prepared for the Board to consider immediately at  
4 that time?

5 STAFF COUNSEL ARMSTRONG: That again is a  
6 Contracts question.

7 DEPUTY DIRECTOR ESTES: This is the other piece I  
8 left out when I spoke earlier. In your memo that Jim sent  
9 to you, I think it was on page 2 where it talks about the  
10 guidance that DGS is giving its own contract staff in  
11 terms of reviewing. And the upshot to that is basically  
12 the contract is now effective when DGS legal signs off on  
13 the contract.

14 So in order for us to get under that window  
15 before the fiscal year is over, we would have to have all  
16 of our contract documents signed, sealed, and delivered  
17 and packaged and sent to DGS legal no later than June  
18 16th. They have ten days to process. And that would  
19 require the contractor -- if we were to pull this off --  
20 and this would be a major hurdle. If we were to pull this  
21 off, that would require the contractor to turn around and  
22 sign the document as well so the Board would approve -- I  
23 forget the date of the Board meeting in June.

24 CHAIRPERSON BROWN: The 14th.

25 DEPUTY DIRECTOR ESTES: So you'd basically have

1 to turn that all around in less than 48 hours. The net  
2 effect is if DGS legal gets it later, then if the approval  
3 were to be July 2nd, July 3rd for sake of argument, it  
4 would automatically have to come from next fiscal year's  
5 dollars or not.

6 CHAIRPERSON BROWN: And that wouldn't be a bad  
7 thing. But the question is if we've got the funds this  
8 year, can we endeavor to get the process -- my own  
9 personal opinion is we should at least try since we've had  
10 a couple of lapses on our part. And we originally  
11 recommended this, we should at least make a yoman's  
12 efforts to get it done in the four weeks. If the  
13 contractor has the wherewithal to work with staff to get  
14 it done and we can do our part, I'm sure they'll be here  
15 the afternoon of the 14th to sign the document.

16 But maybe we can make a direction to staff to  
17 pursue the process, and we can do -- can we do some sort  
18 of a consideration change of the agenda item to add the  
19 allocation of this project contingent upon the fact we can  
20 get all of the contracts? Or do we move it to a June  
21 agenda item separate?

22 MS. FRENCH: This project is in the item. He was  
23 one of the stakeholders that presented their items, their  
24 proposals. So his --

25 CHAIRPERSON BROWN: But it's not part of your

1 Resolution, because you're now not recommending funding.

2 MS. FRENCH: All of the projects are in the  
3 Resolutions with the asterisk that says the Board will  
4 determine if they will be funded. So you have that option  
5 to fund them.

6 And also the items says that you can delegate to  
7 Mark the authority to do the scope of work and all of  
8 that. So if you want to give us the blessing the 95,000,  
9 we can make our effort to get this going.

10 CHAIRPERSON BROWN: Okay. Great.

11 DEPUTY DIRECTOR LEE: Madam Chair, just for  
12 clarification. I'm assuming that the Committee's desire  
13 here is that this particular project would be funded even  
14 in the event that we are oversubscribed on the Targeted  
15 RAC Program. And also again if we need to take money off  
16 of the B List, that it would be your preference this  
17 project received funding.

18 CHAIRPERSON BROWN: I believe what staff's  
19 recommendation was that if we get oversubscribed in RAC,  
20 that their first priority is to fund the additional RAC  
21 beyond through reserve. Then --

22 DEPUTY DIRECTOR LEE: The B list on the targeted  
23 tire-derived products. Then the 50,000 for the  
24 International Conference. And then if it's the  
25 Committee's desire to look for funding for this particular

1 project, the TRIB project.

2 CHAIRPERSON BROWN: If there are remaining  
3 funds -- is that -- out of what you guys said we still  
4 have left.

5 DEPUTY DIRECTOR LEE: That can change depending  
6 on what comes forward in June.

7 CHAIRPERSON BROWN: Right. Yes. And that is my  
8 desire. Can we get consensus among the Board?

9 MS. FRENCH: Targeted RAC is -- which was two,  
10 the Conference or --

11 DEPUTY DIRECTOR LEE: No. Secondly was the B  
12 list for the tire-derived products. Third is \$50,000 for  
13 the Conference. And then fourth would be the potential  
14 funding for the TRIB assuming we can overcome --

15 CHAIRPERSON BROWN: Let me ask another question.  
16 Do we know what to anticipate in June as far as the RAC  
17 Program? Because I would assume we've been contacted by  
18 jurisdictions who are putting together their application.  
19 What are you anticipating for June?

20 WASTE TIRE DIVISION SUPERVISOR DELMAGE: We  
21 anticipate we'll be very close. And Nate Gauff has just  
22 informed me that we actually had anticipated being  
23 oversubscribed, and that the way we wrote up our criteria  
24 is that any projects coming to us in June if we're  
25 oversubscribed can be paid for out of the next fiscal

1 year's money.

2 MR. GAUFF: I'm Nate Gauff with the Special Waste  
3 Division.

4 When the Board approved the criteria for the  
5 Targeted Program, we did set it up as a two-year program.  
6 So the funding for 05-06 and 06-07 was approved and the  
7 criteria was approved for both fiscal years. And one of  
8 the stipulations was that if we did oversubscribe in  
9 05-06, that the jurisdictions that did not get funded out  
10 of 05-06 funds would get priority on 06-07 funds when the  
11 money became available. So we would essentially fund  
12 those 05-06 projects with 06-07 money when it became  
13 available. That was an automatic written into the  
14 criteria back in September.

15 CHAIRPERSON BROWN: I think it would be an  
16 interesting discussion about whether we want to continue  
17 to fund Tire-Derived Product Grants to the tune of \$2 1/2  
18 million rather than do RAC out of this fiscal year so we  
19 have more RAC grants for next fiscal year that we can  
20 continue funding and maybe do this. So I'm not sure we  
21 want to keep that.

22 Do we want to make a decision on that today?

23 I think we want to leave the prioritizing open to  
24 June and see what we come up with and have some time to  
25 think about whether we fully fund the Tire-Derived Product

1 Grants or look at some other alternatives. Can we do  
2 that?

3 DEPUTY DIRECTOR LEE: Madam Chair, if I might  
4 suggest perhaps could we still bring this back before the  
5 Board at the Board meeting this month? I believe there's  
6 some items we need to move in order to, like I say, meet  
7 those Department of Finance and other time lines. The  
8 Board needs to move on those. But perhaps we can use --  
9 the Board can use the week between now and the actual  
10 Board meeting to kind of make those determinations about  
11 whether or not they want to fund all of the B List  
12 projects or they want to throw some to the TRIB project or  
13 how they want to handle the targeted RAC in the event  
14 we're oversubscribed, whether to use this year's money or  
15 next year's money. In the mean time, we will put our  
16 heads together and see what can be done if anything with  
17 regards to making the TRIB project happen.

18 CHAIRPERSON BROWN: That's a great suggestion.  
19 We will take the time in the next week to discuss our  
20 alternatives and we'll bring it back up at the Board  
21 meeting.

22 BOARD MEMBER PEACE: That sounds great to me.  
23 But I do like the tire retreader project, and I very much  
24 want to show my support for the Rubberized Asphalt  
25 Concrete Conference that's going to be in Palm Springs. I

1 don't want to put them at the bottom of the list. I like  
2 what you said about let's look at all those again. I  
3 don't want to put this at the bottom after the playgrounds  
4 and after the RAC. I want to be able to consider those.

5           And we do have someone here from the Rubber  
6 Pavements Association that could speak on the Conference,  
7 on the rubberized asphalt on the -- did you want to say  
8 something or --

9           MR. LEVEILLE: Excuse me, Madam Chair. Let me  
10 just --

11           CHAIRPERSON BROWN: Sorry, Terry.

12           MR. LEVEILLE: I just wanted to thank you for  
13 your consideration of this. I mean, a lot of surprises  
14 today for us. And realistically, the DVD that  
15 Ms. Armstrong was talking about, that was such a small  
16 part of the actual -- it was the two-part program. It was  
17 actually going on site and meeting with these local  
18 government public works people and showing them basically  
19 what to do. But the expertise needed to make that DVD,  
20 the information in that DVD is not found very many places.  
21 And I think that's where, you know, a very strong  
22 justification could be made that something like this  
23 wouldn't be able to be handled by other State agencies,  
24 including Caltrans for that matter. Thank you very much.

25           BOARD MEMBER PEACE: I didn't want to put you on

1 the spot if you didn't fill out a speaker slip, but I  
2 thought if anybody had any questions on that conference,  
3 that we could be --

4 CHAIRPERSON BROWN: Do we have any questions on  
5 the conference?

6 BOARD MEMBER PEACE: If anybody had any  
7 questions, he was here to answer them.

8 CHAIRPERSON BROWN: Thank you for coming.

9 Okay. Do we have a motion?

10 COMMITTEE MEMBER MULÉ: We're going to move this  
11 to the full Board next week.

12 CHAIRPERSON BROWN: Now we move to Agenda Item J.

13 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

14 Committee Item J is the Presentation by our Southern  
15 California Tire Program Staff Located in the CIWMB  
16 Los Angeles satellite office.

17 Madam Chair, often again our staff down in  
18 Los Angeles kind of labor in relative obscurity. They do  
19 a great job for us down there. Like I say, they are  
20 remote from a lot of the support services available here  
21 in Sacramento. They have obviously a large chunk of  
22 territory they have to cover. We thought it would be very  
23 good for the Committee to understand again, you know, what  
24 they're doing and how they're accomplishing it down there.  
25 And I know that Mitch Delmage had a couple other words he



1 wanted to add.

2 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Well,  
3 now I'm a little afraid to praise. But before I praise  
4 Lillian, I just want to say --

5 CHAIRPERSON BROWN: Let me praise your staff,  
6 Mitch, on a fabulous presentation, and the agenda has run  
7 very smoothly. We appreciate that.

8 WASTE TIRE DIVISION SUPERVISOR DELMAGE: I'm just  
9 glad I didn't have to use this.

10 The Southern California staff -- when I first  
11 took over the program, I was really shocked to find out  
12 that they're the best kept secret here at the Board. I  
13 went on our website. I couldn't even find a map of how to  
14 get there when I went to visit.

15 And in stealing from national public radio, it's  
16 kind of like winking in the dark. You know you're doing  
17 it, but nobody else knows you're doing it. That's what  
18 they're doing down there. They're doing a lot of work,  
19 covering a lot of territory. They're responsible for a  
20 lot of the things that come to our Legal Office. And I  
21 just wanted to make sure -- and that's why I asked Lillian  
22 to come up and make this presentation to just kind of  
23 introduce you to her and let her tell you about what she  
24 does and her staff does.

25 (Thereupon an overhead presentation was

1           presented as follows.)

2           SUPERVISOR CONROE: Good afternoon. My name is  
3 Lillian Conroe. I'm Supervisor for the Waste Tire Program  
4 in Southern California and also pretty much like manage  
5 the office. It's true, when Mitch came, was one of the  
6 first Branch Managers to come into the office. He  
7 couldn't locate us. So we felt like we were the National  
8 Security where we could not be found.

9           Just to give you a background, the California  
10 Integrated Waste Management Board was at one time three  
11 offices. There was an office located in Redland. There  
12 was an office in Valencia, and one in Fullerton. Due to  
13 various decisions, the offices were combined in one at  
14 Fullerton.

15           When I came on board, the office was located at  
16 Fullerton, had a staff of three inspectors for the Waste  
17 Tire Program, one person for the Used Oil, and two people  
18 for Solid Waste. Through negotiations, changes again,  
19 they discovered they had a Los Angeles office that was  
20 vacant, wasn't being used. The decision was to move us  
21 from Fullerton to the Los Angeles office.

22           So therefore, we've been at the office about  
23 2002, 2003.

24                               --o0o--

25           SUPERVISOR CONROE: We're located at 320 West 4th

1 Street, which is in downtown Los Angeles between Broadway  
2 and Hill Street.

3 --o0o--

4 SUPERVISOR CONROE: It is located -- this is a  
5 map of where we're located to give you an idea. We're  
6 right in the heart of downtown Los Angeles.

7 --o0o--

8 SUPERVISOR CONROE: Our office is staffed by  
9 Integrated Waste Management employees which consist of  
10 Permitting and Enforcement, Special Waste Division. We  
11 have two inspectors out of Enforcement and four with Waste  
12 Tires.

13 The Special Waste staff work in waste tire  
14 enforcement handling a lot of our waste tire issues.  
15 Permitting and Inspection staff oversees the enforcement  
16 and permitting of solid waste facilities. We do have  
17 clerical person who's there part time with us, and that is  
18 Herminia Agdigos who was a retired annuitant and former  
19 assistant to Board Member Roberti.

20 --o0o--

21 SUPERVISOR CONROE: And this is our waste tire  
22 staff. We have Steve Dolan who handles most of  
23 Los Angeles County. He handles San Diego, San Luis  
24 Obispo, Santa Barbara, and Ventura.

25 Harley Thompson is our newest staff person. He

1 handles Orange County. He overlaps with Steve sometimes  
2 in Los Angeles County. He is like our floater for San  
3 Bernardino or whatever we need him. And he also handles  
4 Fresno, Kings County, Madera.

5 Vance Tracy is our tire person who handles San  
6 Bernardino, Riverside, Imperial County, mostly all of the  
7 Desert, all the way to Calexico.

8 Lew Elliot, he handles the northern part of  
9 Los Angeles County, Kern County, and Tulare.

10 --o0o--

11 SUPERVISOR CONROE: Our waste tire staff  
12 responsibilities, they work with our waste tire grantees.  
13 They do the training. They work side by side if any  
14 issues come up. They also conduct all types of formal  
15 enforcement investigations. They also respond to  
16 complaints, illegal tire dumping, hauling, or any type of  
17 illegal tire storage. They work with the CHP on  
18 surveillance. Lately we've been doing surveillance in the  
19 Imperial Valley desert area. We're also getting ready to  
20 start doing some work down there at the border.

21 --o0o--

22 SUPERVISOR CONROE: We also -- our geographical  
23 area consists of central valley from Madera to the Mexican  
24 border, coastal areas from San Luis Obispo to the Mexico  
25 border.

1                               --o0o--

2               SUPERVISOR CONROE: And everything that is  
3 highlighted in white is our territory. As you see, we  
4 have a large territory. Large territory. Can you imagine  
5 before only three people to handle that area. So large  
6 that some of the areas were not even able to be touched by  
7 the inspectors. Now that we have our grantees, the  
8 inspectors are able to concentrate on areas that were  
9 never inspected or looked at.

10                           --o0o--

11              SUPERVISOR CONROE: Permitting and Enforcement,  
12 Permitting and Inspection staff is Dianne Ohiosumua and  
13 Bill Marciniak. They are responsible for the Solid Waste  
14 Program and facilities.

15                           --o0o--

16              SUPERVISOR CONROE: Their geographical areas  
17 consist of counties of Santa Barbara, Los Angeles, and San  
18 Bernardino. And you'll see the map that was highlighted  
19 in white, that's their area.

20                           --o0o--

21              SUPERVISOR CONROE: They have a small area, but  
22 yet still large.

23                           --o0o--

24              SUPERVISOR CONROE: Our office is located in what  
25 they call the Junipero-Serra building on 4th Street

1 between Broadway and Hill. We are centrally located to  
2 all mass transportation. We have the train station  
3 directly across the street from our office. Eighty  
4 percent of the building uses public transportation. We  
5 have mostly all the State agencies housed with us. We're  
6 about 30 minutes from Burbank Airport and LAX. We're  
7 within walking distance of all the hotels that use  
8 government rates. We have good restaurants, anywhere from  
9 a \$3 meal to a \$15 meal.

10 --o0o--

11 SUPERVISOR CONROE: We are also on the same floor  
12 that houses our administrative hearings. We're very  
13 fortunate that whenever we have hearings, we can walk  
14 straight across from our office into the hearing rooms.

15 This is where all of our enforcement actions are  
16 conducted and legal services will come and they will  
17 handle the hearings whenever necessary.

18 We do have one EPA department which is Regional  
19 Water Quality Control Board, which is located in our  
20 building. We're within one block walking distance of the  
21 Ronald Reagan Building which is so nice because CHP is  
22 housed over there. So we have very visible CHP units.  
23 Wherever there's a problem with hearings on our floor, we  
24 get to have all the security of CHP.

25 --o0o--

1           SUPERVISOR CONROE: We have full time security in  
2 our building, secured rest rooms. We even have conference  
3 rooms where we're hoping that maybe the Board will  
4 consider sometimes having hearings there. We have a good  
5 cafe that even has a -- who was a chef from Los Vegas. So  
6 we have all these good amenities. And as you can see,  
7 this is our hearing room on the first floor. They can  
8 accommodate about 200 people and we'll always arrange it  
9 to any specification that you want.

10           As you can see with our territory, this is why  
11 we're now utilizing the CHP flyover. For example, we went  
12 down to Coachella and we did a flyover and found over  
13 2,000 tires that we could not have spotted by driving  
14 paths in an orange orchard. It was so hidden that we  
15 would have overlooked this area.

16           Riverside is another area that we are now using  
17 the flyover, because tires are hidden in the mountain  
18 areas, the desert areas. I went out there with my staff  
19 one time to the desert, and just by driving by this one  
20 area, we spotted 800 tires. So we have a huge area.

21           So now everybody knows our secret. We're not no  
22 longer a secret anymore. And we're always inviting Board  
23 members to come by and visit with us.

24           COMMITTEE MEMBER MULÉ: Lillian, how many staff  
25 did you say you have?

1 SUPERVISOR CONROE: With the tires, we have four.

2 COMMITTEE MEMBER MULÉ: Four for tires --

3 SUPERVISOR CONROE: And two for solid waste that  
4 are housed in our office.

5 COMMITTEE MEMBER MULÉ: And they cover the areas  
6 that you showed us?

7 SUPERVISOR CONROE: Right.

8 COMMITTEE MEMBER MULÉ: Thank you.

9 WASTE TIRE DIVISION SUPERVISOR DELMAGE: They do  
10 a lot of work.

11 COMMITTEE MEMBER MULÉ: I know that.

12 SUPERVISOR CONROE: I even take over clerical  
13 duties sometimes.

14 CHAIRPERSON BROWN: Thank you.

15 SUPERVISOR CONROE: Any questions?

16 CHAIRPERSON BROWN: I think we're all  
17 overwhelmed. Lillian, thank you very, very much for  
18 working so hard and doing such a great job. Aside from  
19 what Mitch says, we want to take an opportunity to thank  
20 you very much for working so hard and doing such a  
21 tremendous job.

22 SUPERVISOR CONROE: Thank you.

23 (Applause)

24 COMMITTEE MEMBER MULÉ: Madam Chair, if I could,  
25 I had an opportunity to meet with staff just before the



1 holidays. We had a little social gathering. And again, I  
2 was just shocked and amazed at the number of staff and  
3 again the amount of work they do. And can't thank you  
4 enough. And I just want to say publicly, thank all of you  
5 and your staff for everything that you do. And I would  
6 really hope that in the future we can house more of our  
7 staff and more of our resources in Southern California  
8 where the population is, where the facilities are, and  
9 where the majority of the issues are. I'd really like to  
10 see us move in that direction. Thank you again.

11 CHAIRPERSON BROWN: On to waste characterization.

12 DEPUTY DIRECTOR LEE: That's it for us.

13 CHAIRPERSON BROWN: Do we have any other  
14 comments? I have one apology to Mike Blumenthal. I'm  
15 sorry. I lost your speaker form. So thank you.

16 Any other old business, new business, anything  
17 else? We'll adjourn this meeting. Thank you.

18 (Thereupon the California Integrated Waste  
19 Management Board, Special Waste Committee  
20 adjourned at 1:15 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 25th day May, 2005.

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